



## OHMVR COMMISSION MEETING Torrance, CA

August 18, 2017

**STAFF REPORT:** Legislative Update  
**STAFF:** Marivel Barajas, Deputy Director, Legislative Affairs  
**SUBJECT:** August 2017 California and Federal Legislation Summary Report

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### Summary

This report provides summary excerpts and status of bills that may affect the Off-Highway Motor Vehicle Recreation (OHMVR) Program. Information contained in this report is accurate as of August 7, 2017.

### CALIFORNIA LEGISLATION UPDATE

#### **Senate Bill 1 (Beall): Transportation funding.**

**Summary:** This bill increased the excise tax on gasoline by \$0.12 per gallon, beginning November 1, 2017. This component of the bill will provide additional revenue to support the State Park System, including boating and off highway vehicle programs.

**Status:** Chapter 5, Statutes of 2017  
Senate Floor – Passed (Ayes:27 Noes:11)  
Assembly Floor – Passed (Ayes:54 Noes:26)  
Senate Appropriations Committee – Passed (Ayes:5 Noes:2)  
Senate Governance & Finance Committee – Passed (Ayes:5 Noes:1)  
Senate Environmental Quality – Passed (Ayes:4 Noes:2)  
Senate Transportation and Housing Committee – Passed (Ayes:8 Noes:3)

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#### **Senate Bill 65 (Hill) Vehicles: alcohol and marijuana: penalties.**

**Summary:** This bill would prohibit smoking, or ingesting marijuana, or any marijuana product, while driving, or while riding as a passenger in a vehicle, as specified. Violation would result in an infraction, punishable by a \$70 fine.

**Status:** Assembly Appropriations Committee – Passed (Ayes:16 Noes:0)  
Assembly Public Safety Committee – Passed (Ayes:6 Noes:0)  
Senate Floor – Passed (Ayes:40 Noes:0)  
Senate Public Safety Committee – Passed (Ayes:7 Noes:0)  
Senate Transportation and Housing Committee – Passed (Ayes:10 Noes:0)

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**Senate Bill 159 (Allen) Off-highway vehicles.**

**Summary:** This bill would extend the authority to collect off-highway vehicle fees until January 1, 2023, as specified. However, if the OHV program sunsets on January 1, 2018, all unencumbered Trust Fund revenue would be transferred to the General Fund.

**Status:** Senate Transportation and Housing Committee – Passed (Ayes:12 Noes:0)  
Senate Natural Resources and Water Committee – Passed (Ayes:8 Noes:0)

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**Senate Bill 249 (Allen) Off-highway motor vehicle recreation.**

**Summary:** This bill would make various significant programmatic and administrative changes to the Department's Off-Highway Motor Vehicle Recreation Program, including additional Departmental oversight and input on environmental compliance. Additionally, this bill would extend the sunset until January 1, 2023.

**Status:** Assembly Water, Parks and Wildlife Committee – Passed (Ayes:8 Noes:5)  
Senate Floor – Passed (Ayes:22 Noes:16)  
Senate Appropriations – Passed (Ayes:5 Noes:2)  
Senate Transportation and Housing Committee – Passed (Ayes:8 Noes:2)  
Senate Natural Resources and Water Committee – Passed (Ayes:7 Noes:2)

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**Assembly Bill 382 (Voepel) Fuel taxes: Off-Highway Vehicle Trust Fund.**

**Summary:** This bill would transfer up to \$1 million in FY 2017-18, to support local assistance grants for law enforcement, environmental monitoring, and maintenance, as defined. The revenue source is the portion of the new \$0.12 gasoline excise tax attributable to Off-Highway Vehicle use.

**Status:** Assembly Floor – Passed (Ayes:75 Noes:2)  
Assembly Appropriations Committee – Passed (Ayes:16 Noes:0)  
Assembly Transportation Committee – Passed (Ayes:14 Noes:0)

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**Assembly Bill 533 (Holden) State Highway Route 710.**

**Summary:** *Note: As amended, July 3, 2017, this bill no longer impacts the Off-Highway Vehicle Division and will not be included on subsequent reports.* This bill would require CalTrans, in consultation with the Los Angeles County Metropolitan Transportation Authority, to establish the State Route 710 North Advisory Committee, as defined.

**Status:** Assembly Floor – Passed (Ayes:57 Noes:15)  
Assembly Appropriations Committee – Passed (Ayes:11 Noes:2)  
Assembly Transportation Committee – Passed (Ayes:11 Noes:2)

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**Assembly Bill 1077 (O'Donnell) Off-highway vehicles.**

**Summary:** This bill would extend the sunset on the Department's Off-Highway Motor Vehicle Recreation Program until January 1, 2019, pending the release of a CalTrans fuel tax study, as defined.

**Status:** Assembly Water, Parks and Wildlife Committee – Passed (Ayes:11 Noes:0)

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## **2017 - 2018 115th US CONGRESS FEDERAL LEGISLATION UPDATE**

### **S. 32 (Feinstein): California Desert Conservation and Recreation Act of 2017**

**Summary:** This bill is an attempt to achieve consensus on the various uses of desert land. This is the result of years of engagement with a range of stakeholders including environmental groups, local and state government officials, off-highway recreation enthusiasts, cattle ranchers, mining interests, the Department of Defense, wind and solar energy companies, California's public utility companies and many others. The legislation also directs the Secretary of the Interior to complete several studies that would include stakeholders and state and local government input.

*The bill's key off-highway vehicle provisions:*

Designate five existing Bureau of Land Management Off-Highway Vehicle areas (covering approximately 142,000 acres of California desert) as permanent Off-Highway Vehicle recreation areas, providing off-highway enthusiasts certainty that these uses of the desert will be protected in a manner similar to conservation areas.

**Status:** 7/26/17 Senate Committee on Energy and Natural Resources: Subcommittee on Public Lands, Forests, and Mining

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### **H.R. 289 (LaMalfa): Guides and Outfitters Act**

**Summary:** This bill would amend the Federal Lands Recreation Enhancement Act to allow the Secretary of the Interior and the Secretary of Agriculture (USDA) to issue special recreation permits and fees for off-highway vehicle use on certain federal recreational lands, as defined.

**Status:** 6/27/17 Referred to the Senate  
2/10/17 Referred to the Subcommittee on Federal Lands

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### **H.R. 350: (McHenry): Recognizing the Protection of Motorsports Act of 2017 (RPM Act)**

**Summary:** This bill would modify the Clean Air Act to provide an exemption for vehicles used solely for competition.

**Status:** 1/25/17 Referred to the Subcommittee on the Environment

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### **H.R. 622 (Stewart): Local Enforcement for local Lands Act**

**Summary:** This bill would transfer all law enforcement functions on BLM and USFS lands, including those related to off-highway motor vehicle recreation, to local law enforcement agencies. Additionally, the Department of the Interior would provide a block grant to each state to support law enforcement activities. *(Note: author change)*

**Status:** 2/13/17 Referred to the Subcommittee on Conservation and Forestry

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### **H.R. 827 (Vargas): Imperial Valley Desert Conservation and recreation Act**

**Summary:** The bill would transfer BLM land to Anza-Borrego Desert State Park to be managed as state wilderness. Additionally, this bill would establish the Vinagre Wash Special Management Area in eastern Imperial County, to expand recreational

opportunities and to protect and enhance wildlife habitat, cultural, and ecological resources.

**Status:** 6/27/17 Referred to the House Floor

2/13/17 Referred to the Subcommittee on Federal Lands

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#### **H.R. 857 (Cook): California Off-Road Recreation and Conservation Act**

**Summary:** This bill would expand certain off-highway vehicle recreation areas and designate as wilderness specified public lands in California administered by the Bureau of Land Management. The bill's key off-highway vehicle provisions: Designate six National Off-Highway Vehicle Recreation Areas including Spangler Hills, El Mirage, Stoddard Valley, Rasor, Dumont Dunes, and Johnson Valley. Three of these areas would be expanded to include El Mirage (680 acres), Spangler Hills (41,000 acres) and Johnson Valley (19,393 acres).

**Status:** 6/27/17 Vote to report to the full House

2/13/17 Referred to the Subcommittee on Federal Lands

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#### **H.R. 1913 (Panetta): Clear Creek National Recreation Area and Conservation Act**

**Summary:** This bill would establish the Clear Creek National Recreation Area in California, to promote environmentally responsible off-highway vehicle recreation, and to support other recreational uses. This bill would require the Department of the Interior to incorporate natural resource protection information, previously unavailable, to create a comprehensive management plan for the area, as specified. The plan shall include a hazards education program and a user fee program for motorized vehicle use. The bill would also designate approximately 21,000 acres of federal land in Fresno and San Benito counties for inclusion in the National Wilderness Preservation System.

**Status:** 7/12/17 Referred to the Committee on Energy and Natural Resources

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#### **Commission Action**

For information only

#### **Attachments**

## **Senate Bill No. 1**

### **CHAPTER 5**

An act to amend Section 14526.5 of, to add Sections 14033, 14110, 14526.7, 14556.41, and 16321 to, to add Chapter 5 (commencing with Section 14460) to Part 5 of Division 3 of Title 2 of, to repeal Sections 63048.66, 63048.67, 63048.7, 63048.75, 63048.8, and 63048.85 of, and to repeal and add Section 63048.65 of, the Government Code, to add Section 43021 to the Health and Safety Code, to amend Section 99312.1 of, and to add Sections 99312.3, 99312.4, and 99314.9 to, the Public Utilities Code, to amend Sections 6051.8, 6201.8, 7360, 8352.4, 8352.5, 8352.6, and 60050 of, to add Sections 7361.2, 7653.2, 60050.2, and 60201.4 to, and to add Chapter 6 (commencing with Section 11050) to Part 5 of Division 2 of, the Revenue and Taxation Code, to amend Sections 2104, 2105, 2106, and 2107 of, to add Sections 2103.1 and 2192.4 to, to add Article 2.5 (commencing with Section 800) to Chapter 4 of Division 1 of, and to add Chapter 2 (commencing with Section 2030) and Chapter 8.5 (commencing with Section 2390) to Division 3 of, the Streets and Highways Code, and to amend Section 4156 of, and to add Sections 4000.15 and 9250.6 to, the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 28, 2017. Filed with  
Secretary of State April 28, 2017.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 1, Beall. Transportation funding.

(1) Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain registration fees on vehicles, with revenues from these fees deposited in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account.

This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the

bill would create in the State Transportation Fund, including revenues attributable to a \$0.12 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment, as provided, 50% of a \$0.20 per gallon increase in the diesel excise tax, with an inflation adjustment, as provided, a portion of a new transportation improvement fee imposed under the Vehicle License Fee Law with a varying fee between \$25 and \$175 based on vehicle value and with an inflation adjustment, as provided, and a new \$100 annual vehicle registration fee applicable only to zero-emission vehicles model year 2020 and later, with an inflation adjustment, as provided. The bill would provide that the fuel excise tax increases take effect on November 1, 2017, the transportation improvement fee takes effect on January 1, 2018, and the zero-emission vehicle registration fee takes effect on July 1, 2020.

This bill would annually set aside \$200,000,000 of the funds available for the program to fund road maintenance and rehabilitation purposes in counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees, as defined, which taxes or fees are dedicated solely to transportation improvements. These funds would be continuously appropriated for allocation pursuant to guidelines to be developed by the California Transportation Commission in consultation with local agencies. The bill would require \$100,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on the Active Transportation Program. The bill would require \$400,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on state highway bridge and culvert maintenance and rehabilitation. The bill would require \$5,000,000 of the funds available for the program that are not restricted by Article XIX of the California Constitution to be appropriated each fiscal year to the California Workforce Development Board to assist local agencies to implement policies to promote preapprenticeship training programs to carry out specified projects funded by the account. The bill would require \$25,000,000 of the funds available for the program to be annually transferred to the State Highway Account for expenditure on the freeway service patrol program. The bill would require \$25,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on local planning grants. The bill would authorize annual appropriations of \$5,000,000 and \$2,000,000 of the funds available for the program to the University of California and the California State University, respectively, for the purpose of conducting transportation research and transportation-related workforce education, training, and development, as specified. The bill would require the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% to cities and counties pursuant to a specified formula. The bill would impose various requirements on the department and agencies receiving these funds. The bill would authorize a city or county to spend its apportionment of funds under the program on transportation

priorities other than those allowable pursuant to the program if the city's or county's average Pavement Condition Index meets or exceeds 80.

(2) Existing law creates the Department of Transportation within the Transportation Agency.

This bill would create the Independent Office of Audits and Investigations within the department, with specified powers and duties. The bill would provide for the Governor to appoint the director of the office for a 6-year term, subject to confirmation by the Senate, and would provide that the director, who would be known as the Inspector General, may not be removed from office during the term except for good cause. The bill would specify the duties and responsibilities of the Inspector General with respect to the department and local agencies receiving state and federal transportation funds through the department, and would require an annual report to the Legislature and Governor.

This bill would require the department to update the Highway Design Manual to incorporate the "complete streets" design concept by January 1, 2018. The bill would require the department to develop a plan by January 1, 2020, to increase by up to 100% the dollar value of contracts awarded to small businesses, disadvantaged business enterprises, and disabled veteran business enterprises, as specified.

(3) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified.

This bill would identify the amount of outstanding loans from certain transportation funds as \$706,000,000. The bill would require the Department of Finance to prepare a loan repayment schedule and would require the outstanding loans to be repaid pursuant to that schedule, as prescribed. The bill would appropriate funds for that purpose from the Budget Stabilization Account. The bill would require the repaid funds to be transferred, pursuant to a specified formula, to various state and local transportation purposes.

(4) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement and for specified categories of projects eligible to receive these funds.

This bill would deposit the revenues attributable to 50% of the \$0.20 per gallon increase in the diesel fuel excise tax imposed by the bill into the Trade Corridor Enhancement Account, to be expended on corridor-based freight projects nominated by local agencies and the state.

(5) Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure

on purposes associated with those other modes, except that a specified portion of these gasoline excise tax revenues is deposited in the General Fund. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution.

This bill, commencing November 1, 2017, would transfer the gasoline excise tax revenues attributable to boats and off-highway vehicles from the new \$0.12 per gallon increase, and future inflation adjustments from that increase, to the State Parks and Recreation Fund, to be used for state parks, off-highway vehicle programs, or boating programs. The bill would allocate revenues from future inflation adjustments of the existing gasoline excise tax rate attributable to the nonhighway modes pursuant to existing law.

(6) Existing law, as of July 1, 2011, increases the sales and use tax on diesel and decreases the excise tax, as provided. Existing law requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the various changes in the taxes imposed on gasoline and diesel are revenue neutral.

This bill would eliminate, effective July 1, 2019, the annual rate adjustment to maintain revenue neutrality for the gasoline and diesel excise tax rates and would reimpose on that date the higher gasoline excise tax rate that was in effect on July 1, 2010, in addition to the increase in the rate described in (1) above that becomes effective on November 1, 2017.

Existing law, beyond the sales and use tax rate generally applicable, imposes an additional sales and use tax on diesel fuel at the rate of 1.75%, subject to certain exemptions, and provides for the net revenues collected from the additional tax to be transferred to the Public Transportation Account. Existing law continuously appropriates these and other revenues in the account to the Controller for allocation by formula to transportation agencies for public transit purposes under the State Transit Assistance Program. Existing law provides for appropriation of other revenues in the account to the Department of Transportation for various other transportation purposes, including intercity rail purposes.

This bill would increase the additional sales and use tax rate on diesel fuel by an additional 4%. The bill would continuously appropriate revenues attributable to the 3.5% rate increase to the Controller for allocation to transportation agencies for public transit purposes under the State Transit Assistance Program. The bill would require the revenues attributable to the remaining 0.5% rate increase to be continuously appropriated to the Transportation Agency for intercity rail and commuter rail purposes.

The bill would also allocate portions of the revenue from the new transportation improvement fee to the State Transit Assistance Program and to the Transit and Intercity Rail Capital Program. The bill would restrict expenditures of the fee revenues made available to the State Transit Assistance Program to transit capital purposes and certain transit services, and would require a recipient transit agency to comply with various requirements, as specified.

(7) Existing law provides for the state to receive certain compact assets, as defined, from designated tribal compacts relative to Indian gaming, and



authorized the compact assets to be sold by the Infrastructure and Economic Development Bank to a special purpose trust in order to generate state revenues. Existing law designated certain of these revenues to be used to repay certain loans of transportation funds that were made to the General Fund.

This bill would delete the references to the special purpose trust and revise payments to various transportation accounts to be made from compact assets. The bill would repeal various other related provisions.

(8) Existing law creates the Traffic Congestion Relief Program and identifies various specific projects eligible to receive funding.

This bill would deem the Traffic Congestion Relief Program to be complete and final as of June 30, 2017, and would provide that projects without approved applications are no longer eligible for funding.

(9) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. The program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it determines that the program is not sufficiently consistent with the asset management plan.

This bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval.

This bill, on and after July 1, 2017, would also require the commission to make an allocation of capital outlay support resources by project phase for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines to provide exceptions to the requirement for a supplemental project allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

(10) Existing law generally provides for transportation capital improvement projects to be nominated and programmed through the state highway operation and protection program, relative to state highway rehabilitation and similar projects, or through the state transportation improvement program, relative to capacity enhancements and other capital projects.

This bill would create the Solutions for Congested Corridors Program, with funding appropriated for the program from a portion of the new

transportation improvement fee to be allocated by the California Transportation Commission to projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state and that are part of a comprehensive corridor plan. The bill would provide for regional transportation agencies and the Department of Transportation to nominate projects, with preference to be given to projects that demonstrate collaboration between the regional agencies and the department.

(11) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would establish the Advance Mitigation Program in the Department of Transportation to enhance communications between the department and stakeholders to, among other things, protect natural resources and accelerate project delivery. The bill would require the department to set aside not less than \$30,000,000 annually for 4 years for the program from capital outlay revenues.

(12) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution.

This bill would prohibit, except as specified, the requiring of the retirement, replacement, retrofit, or repower of a self-propelled commercial motor vehicle during a specified period. The bill would require the state board to, by January 1, 2025, evaluate the impact of these provisions on state and local clean air efforts to meet state and local clean air goals, as provided.

(13) Existing law prohibits a person from driving, moving, or leaving standing upon a highway any motor vehicle, as defined, that has been registered in violation of provisions regulating vehicle emissions.

This bill, effective January 1, 2020, would require the Department of Motor Vehicles to confirm, prior to the initial registration or the transfer of ownership and registration of a diesel-fueled vehicle with a gross vehicle weight rating of more than 14,000 pounds, that the vehicle is compliant with, or exempt from, applicable air pollution control technology requirements, pursuant to specified provisions. The bill would require the department to refuse registration, or renewal or transfer of registration, for certain diesel-fueled vehicles, based on weight and model year, that are subject to specified provisions relating to the reduction of emissions of

diesel particulate matter, oxides of nitrogen, and other criteria pollutants from in-use diesel-fueled vehicles. The bill would authorize the department to allow registration, or renewal or transfer of registration, for any diesel-fueled vehicle that has been reported to the State Air Resources Board, and is using an approved exemption, or is compliant with applicable air pollution control technology requirements, pursuant to specified provisions.

Existing law authorizes the department, in its discretion, to issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by the department and paid to the department by the owner or other person in lawful possession of the vehicle.

This bill would additionally authorize the department to issue a temporary permit to operate a vehicle for which registration is otherwise required to be refused under the provisions of the bill, as prescribed.

(14) The bill would enact other related provisions.

(15) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Over the next 10 years, the state faces a \$59 billion shortfall to adequately maintain the existing state highway system in order to keep it in a basic state of good repair.

(b) Similarly, cities and counties face a \$78 billion shortfall over the next decade to adequately maintain the existing network of local streets and roads.

(c) Statewide taxes and fees dedicated to the maintenance of the system have not been increased in more than 20 years, with those revenues losing more than 55 percent of their purchasing power, while costs to maintain the system have steadily increased and much of the underlying infrastructure has aged past its expected useful life.

(d) California motorists are spending \$17 billion annually in extra maintenance and car repair bills, which is more than \$700 per driver, due to the state's poorly maintained roads.

(e) Failing to act now to address this growing problem means that more drastic measures will be required to maintain our system in the future, essentially passing the burden on to future generations instead of doing our job today.

(f) A funding program will help address a portion of the maintenance backlog on the state's road system and will stop the growth of the problem.

(g) Modestly increasing various fees can spread the cost of road repairs broadly to all users and beneficiaries of the road network without overburdening any one group.

(h) Improving the condition of the state's road system will have a positive impact on the economy as it lowers the transportation costs of doing business,

reduces congestion impacts for employees, and protects property values in the state.

(i) The federal government estimates that increased spending on infrastructure creates more than 13,000 jobs per \$1 billion spent.

(j) Well-maintained roads benefit all users, not just drivers, as roads are used for all modes of transport, whether motor vehicles, transit, bicycles, or pedestrians.

(k) Well-maintained roads additionally provide significant health benefits and prevent injuries and death due to crashes caused by poorly maintained infrastructure.

(l) A comprehensive, reasonable transportation funding package will do all of the following:

(1) Ensure these transportation needs are addressed.

(2) Fairly distribute the economic impact of increased funding.

(3) Restore the gas tax rate previously reduced by the State Board of Equalization pursuant to the gas tax swap.

(4) Direct increased revenue to the state's highest transportation needs.

(m) This act presents a balance of new revenues and reasonable reforms to ensure efficiency, accountability, and performance from each dollar invested to improve California's transportation system. The revenues designated in this act are intended to address both state and local transportation infrastructure needs as follows:

(1) The revenues estimated to be available for allocation under the act to local agencies are estimated over the next 10 years to be as follows:

(A) Fifteen billion dollars (\$15,000,000,000) to local street and road maintenance.

(B) Seven billion five hundred million dollars (\$7,500,000,000) for transit operations and capital.

(C) Two billion dollars (\$2,000,000,000) for the local partnership program.

(D) One billion dollars (\$1,000,000,000) for the Active Transportation Program.

(E) Eight hundred twenty-five million dollars (\$825,000,000) for the regional share of the State Transportation Improvement Program.

(F) Two hundred fifty million dollars (\$250,000,000) for local planning grants.

(2) The revenues estimated to be available for allocation under the act to the state are estimated over the next 10 years to be as follows:

(A) Fifteen billion dollars (\$15,000,000,000) for state highway maintenance and rehabilitation.

(B) Four billion dollars (\$4,000,000,000) for highway bridge and culvert maintenance and rehabilitation.

(C) Three billion dollars (\$3,000,000,000) for high priority freight corridors.

(D) Two billion five hundred million dollars (\$2,500,000,000) for congested corridor relief.

(E) Eight hundred million dollars (\$800,000,000) for parks programs, off-highway vehicle programs, boating programs, and agricultural programs.

(F) Two hundred seventy-five million dollars (\$275,000,000) for the interregional share of the State Transportation Improvement Program.

(G) Two hundred fifty million dollars (\$250,000,000) for freeway service patrols.

(H) Seventy million dollars (\$70,000,000) for transportation research at the University of California and the California State University.

(n) It is the intent of the Legislature that the Department of Transportation meet the following preliminary performance outcomes for additional state highway investments by the end of 2027, in accordance with applicable state and federal standards:

(1) Not less than 98 percent of pavement on the state highway system in good or fair condition.

(2) Not less than 90 percent level of service achieved for maintenance of potholes, spalls, and cracks.

(3) Not less than 90 percent of culverts in good or fair condition.

(4) Not less than 90 percent of the transportation management system units in good condition.

(5) Fix not less than an additional 500 bridges.

(o) Further, it is the intent of the Legislature that the Department of Transportation leverage funding provided by this act for trade corridors and other highly congested travel corridors in order to obtain matching funds from federal and other sources to maximize improvements in the state's high-priority freight corridors and in the most congested commute corridors.

(p) Constitutionally protecting the funds raised by this act ensures that these funds are to be used only for transportation purposes necessary to repair roads and bridges, expand the economy, and protect natural resources.

(q) This act advances greenhouse gas reduction objectives and other environmental goals by focusing on "fix-it-first" projects, investments in transit and active transportation, and supporting Senate Bill 375 (Chapter 728, Statutes of 2008) and transportation plans.

SEC. 2. This act shall be known, and may be cited as, the Road Repair and Accountability Act of 2017.

SEC. 3. Section 14033 is added to the Government Code, to read:

14033. On or before January 1, 2018, the department shall update the Highway Design Manual to incorporate the "complete streets" design concept.

SEC. 4. Section 14110 is added to the Government Code, to read:

14110. Consistent with federal and state laws and regulations, including, but not limited to, the department's goal setting methodology as approved by the Federal Highway Administration, the department shall develop a plan by January 1, 2020, to increase by up to 100 percent the dollar value of contracts and procurements awarded to small businesses, disadvantaged business enterprises, and disabled veteran business enterprises. The plan shall include the use of targeted media, including minority and women

business enterprises, to outreach to these businesses and shall be provided to the Legislature pursuant to Section 9795.

SEC. 5. Chapter 5 (commencing with Section 14460) is added to Part 5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 5. DEPARTMENT OF TRANSPORTATION INDEPENDENT OFFICE  
OF AUDITS AND INVESTIGATIONS

14460. (a) There is hereby created in the department the Independent Office of Audits and Investigations to ensure all of the following:

(1) The department, and external entities that receive state and federal transportation funds from the department, are spending those funds efficiently, effectively, economically, and in compliance with applicable state and federal requirements. Those external entities include, but are not limited to, private for profit and nonprofit organizations, local transportation agencies, and other local agencies that receive transportation funds either through a contract with the department or through an agreement or grant administered by the department.

(2) The department's programs are functioning consistent with applicable accounting standards and practices and are administered effectively, efficiently, and economically.

(3) The department's management is accomplishing departmental priorities, developing an annual audit plan, administering an effective enterprise risk management program, and is making efficient, effective, and financially responsible transportation decisions.

(4) The Secretary of Transportation, the Legislature, the California Transportation Commission, and the director and chief deputy director of the department are fully informed concerning fraud, improper activities, or other serious abuses or deficiencies relating to the expenditure of transportation funds or administration of department programs and operations.

(b) The Governor shall appoint the director of the Audits and Investigations Office, who shall serve a six-year term, have the title of Inspector General, and be subject to Senate confirmation. The Inspector General may not be removed from office during that term, except for good cause. The reasons for removal of the Inspector General shall be stated in writing and shall include the basis for removal. The writing shall be sent to the Secretary of the Senate and the Chief Clerk of the Assembly at the time of the removal and shall be deemed to be a public document.

(c) The Inspector General is vested with the full authority to exercise all responsibility for maintaining a full scope, independent, and objective audit and investigation program as prescribed by Sections 1237, 13885, 13886.5, 13887.5, and 13888, including, but not limited to, those activities described in Section 14461.

(d) Notwithstanding Section 13887, in order to achieve independence and objectivity pursuant to this section, the Independent Office of Audits and Investigation shall meet all of the following requirements:

(1) The Inspector General shall report all audit and confidential investigation findings and recommendations made under his or her jurisdiction to the Secretary of Transportation and the director and chief deputy director of the department on an ongoing and current basis.

(2) The Inspector General shall report at least annually, or upon request, to the Governor, the Legislature, and the California Transportation Commission with a summary of his or her investigation and audit findings and recommendations. The summary shall be posted on the office's Internet Web site and shall otherwise be made available to the public upon its release to the Governor, commission, and Legislature. The summary shall include, but need not be limited to, significant problems discovered by the Inspector General and whether the Inspector General's recommendations relative to audits and investigations have been implemented by the affected units and programs of the department or affected external entities. The report shall be submitted to the Legislature in compliance with Section 9795.

14461. The Inspector General shall review policies, practices, and procedures and conduct audits and investigations of activities involving state transportation funds administered by the department in consultation with all affected units and programs of the department and external entities.

SEC. 6. Section 14526.5 of the Government Code is amended to read:

14526.5. (a) Based on the asset management plan prepared and approved pursuant to Section 14526.4, the department shall prepare a state highway operation and protection program for the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system. Projects included in the program shall be limited to improvements relative to the maintenance, safety, operation, and rehabilitation of state highways and bridges that do not add a new traffic lane to the system.

(b) The program shall include projects that are expected to be advertised prior to July 1 of the year following submission of the program, but which have not yet been funded. The program shall include those projects for which construction is to begin within four fiscal years, starting July 1 of the year following the year the program is submitted.

(c) (1) The department, at a minimum, shall specify, for each project in the state highway operation and protection program, the capital and support budget, as applicable, for each of the following project phases:

(A) Project approval and environmental documents, support only.

(B) Plans, specifications, and estimates, support only.

(C) Rights-of-way.

(D) Construction.

(2) The department shall specify, for each project in the state highway operation and protection program, a projected delivery date for each of the following components:

(A) Project approval and environmental document completion.

- (B) Plans, specifications, and estimates completion.
- (C) Right-of-way certification.
- (D) Start of construction.

(d) The department shall submit its proposed program to the commission not later than January 31 of each even-numbered year. Prior to submitting its proposed program, the department shall make a draft of its proposed program available to transportation planning agencies for review and comment and shall include the comments in its submittal to the commission. The department shall provide the commission with detailed information for all programmed projects on cost, scope, schedule, and performance metrics as determined by the commission.

(e) The commission shall review the proposed program relative to its overall adequacy, consistency with the asset management plan prepared and approved pursuant to Section 14526.4 and funding priorities established in Section 167 of the Streets and Highways Code, the level of annual funding needed to implement the program, and the impact of those expenditures on the state transportation improvement program. The commission shall adopt the program and submit it to the Legislature and the Governor not later than April 1 of each even-numbered year. The commission may decline to adopt the program if the commission determines that the program is not sufficiently consistent with the asset management plan prepared and approved pursuant to Section 14526.4.

(f) As part of the commission's review of the program required pursuant to subdivision (a), the commission shall hold at least one hearing in northern California and one hearing in southern California regarding the proposed program.

(g) On or after July 1, 2017, to provide sufficient and transparent oversight of the department's capital outlay support resources composed of both state staff and contractors, the commission shall be required to allocate the department's capital outlay support resources by project phase, including preconstruction. Through this action, the commission will provide public transparency for the department's budget estimates, increasing assurance that the annual budget forecast is reasonable. The commission shall develop guidelines, in consultation with the department, to implement this subdivision. Guidelines adopted by the commission to implement this subdivision shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1).

(h) Beginning July 1, 2017, for a project that experiences increases in capital or support costs above the amounts in the commission's allocation pursuant to subdivision (g), the commission shall establish a threshold for requiring a supplemental project allocation. The commission's guidelines adopted pursuant to subdivision (g) shall also establish the threshold that the commission determines is necessary to ensure efficiency and may provide exceptions as necessary so that projects are not unnecessarily delayed.

(i) The department, for each project requiring a supplemental project allocation pursuant to subdivision (h), shall submit a request to the commission for its approval.



(j) Expenditures for these projects shall not be subject to Sections 188 and 188.8 of the Streets and Highways Code.

SEC. 7. Section 14526.7 is added to the Government Code, to read:

14526.7. (a) The department shall incorporate the performance targets in subdivision (n) of Section 1 of the act adding this section into the asset management plan adopted by the commission and targets adopted by the commission pursuant to Sections 14526.4 and 14526.5. The asset management plan shall also include targets adopted by the commission in consultation with the department for each asset class included in subdivision (n) of Section 1 of the act adding this section to measure the degree to which progress was made towards achieving the overall 2027 targets. Targets may be modified by the commission as needed to conform to federal regulation on performance measures and the completion of the department's asset management plan. Nothing in this section precludes the commission from adopting additional targets and performance measures pursuant to paragraph (1) of subdivision (c) of Section 14526.4.

(b) As specified by guidelines adopted by the commission, the department shall report to the commission on its progress toward meeting the targets and performance measures established for state highways pursuant to subdivision (n) of Section 1 of the act adding this section and paragraph (1) of subdivision (c) of Section 14526.4.

SEC. 8. Section 14556.41 is added to the Government Code, to read:

14556.41. As of June 30, 2017, projects in Section 14556.40 for the Traffic Congestion Relief Program shall be deemed complete and final, and funding levels shall be based on actual amounts requested by the designated lead applicant pursuant to Section 14556.12. Projects without approved applications in accordance with Section 14556.12 shall no longer be eligible for program funding. Traffic Congestion Relief Program savings shall be transferred to other transportation accounts for the purposes specified in Section 16321.

SEC. 9. Section 16321 is added to the Government Code, to read:

16321. The amount of outstanding loans made pursuant to Section 14556.8 is seven hundred six million dollars (\$706,000,000). This amount shall be repaid from the General Fund pursuant to subdivision (c) of Section 20 of Article XVI of the California Constitution no later than June 30, 2020, and upon repayment of this amount all loans authorized pursuant to Section 14556.8 and any associated interest shall be deemed repaid. The loans shall be repaid proportionately and in equal installments over three years. The Department of Finance shall prepare a loan repayment schedule, pursuant to which the outstanding loans shall be repaid by June 30, 2020, as follows:

(a) Two hundred fifty-six million dollars (\$256,000,000) for transfer to the Public Transportation Account, to be allocated as follows:

(1) Up to twenty million dollars (\$20,000,000) to local and regional agencies for climate change adaptation planning.

(2) The remainder to the Transit and Intercity Rail Capital Program as authorized in Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(b) Two hundred twenty-five million dollars (\$225,000,000) for transfer to the State Highway Account, for the State Highway Operation and Protection Program.

(c) Two hundred twenty-five million dollars (\$225,000,000) is hereby continuously appropriated without regard to fiscal year to the Controller for apportionment to cities and counties for local streets and roads pursuant to the formula in paragraph (3) of subdivision (a) of Section 2103 of the Streets and Highways Code.

SEC. 10. Section 63048.65 of the Government Code is repealed.

SEC. 11. Section 63048.65 is added to the Government Code, to read:

63048.65. (a) Prior to July 1, 2015, three hundred twenty-one million dollars (\$321,000,000) of the one billion two hundred million dollars (\$1,200,000,000) of loans from the Traffic Congestion Relief Fund to the General Fund was repaid using tribal gaming compact revenues. In 2016, an additional one hundred seventy-three million dollars (\$173,000,000) was repaid from the General Fund.

(b) The remaining seven hundred six million dollars (\$706,000,000) of loans from the Traffic Congestion Relief Fund to the General Fund shall be repaid pursuant to Section 14556.8.

SEC. 12. Section 63048.66 of the Government Code is repealed.

SEC. 13. Section 63048.67 of the Government Code is repealed.

SEC. 14. Section 63048.7 of the Government Code is repealed.

SEC. 15. Section 63048.75 of the Government Code is repealed.

SEC. 16. Section 63048.8 of the Government Code is repealed.

SEC. 17. Section 63048.85 of the Government Code is repealed.

SEC. 18. Section 43021 is added to the Health and Safety Code, to read:

43021. (a) Except as provided in subdivision (b), the retirement, replacement, retrofit, or repower of a self-propelled commercial motor vehicle, as defined in Section 34601 of the Vehicle Code, shall not be required until the later of the following:

(1) Thirteen years from the model year the engine and emission control system are first certified for use in self-propelled commercial motor vehicles by the state board or other applicable state and federal agencies.

(2) When the vehicle reaches the earlier of either 800,000 vehicle miles traveled or 18 years from the model year the engine and emission control system are first certified for use in self-propelled commercial motor vehicles by the state board or other applicable state and federal agencies.

(b) This section does not apply to any of the following:

(1) Safety programs, including, but not limited to, those adopted pursuant to Section 34501 of the Vehicle Code.

(2) Voluntary incentive and grant programs, including, but not limited to, those that give preferential access to a facility to a particular vehicle or class of vehicles.

(3) Programs designed to address inspection of, tampering with, and maintenance of, emission control systems.

(4) Programs designed to address imminent health risks where evidence, unavailable at the time equipment is certified for use by the state board or

other applicable state and federal agencies, is sufficient to show that immediate corrective action is necessary to prevent injury, illness, or death.

(c) This section only applies to laws or regulations adopted or amended after January 1, 2017.

(d) It is the intent of the Legislature for this section to provide owners of self-propelled commercial motor vehicles, as defined in subdivision (a), certainty about the useful life of engines certified by the state board and other applicable agencies to meet required environmental standards for sale in the state. This section is not meant to otherwise restrict the authority of the state board or districts.

(e) (1) The state board shall, by January 1, 2025, evaluate the impact of the provisions of this section on state and local clean air efforts to meet state and local clean air goals. The evaluation shall include a review of the following:

(A) Compliance with the truck and bus rule (Section 2025 of Title 13 of the California Code of Regulations).

(B) The benefits and impacts of measures enacted to improve local air quality impacts from stationary sources.

(C) State implementation plan compliance.

(2) As part of the study, the state board shall make recommendations to the Legislature on additional or different mechanisms for achieving those goals while recognizing the financial investments made by the effected entities. In developing the study, the state board shall take into account the report required in Section 38531 of the Health and Safety Code.

(3) The state board shall hold at least one public workshop prior to the completion of the study.

SEC. 19. Section 99312.1 of the Public Utilities Code is amended to read:

99312.1. (a) Revenues transferred to the Public Transportation Account pursuant to Sections 6051.8 and 6201.8 of the Revenue and Taxation Code for the State Transit Assistance Program are hereby continuously appropriated to the Controller for allocation as follows:

(1) Fifty percent for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board pursuant to Section 99314.

(2) Fifty percent for allocation to transportation agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board for purposes of Section 99313.

(b) For purposes of this chapter, the revenues allocated pursuant to this section shall be subject to the same requirements as revenues allocated pursuant to subdivisions (b) and (c), as applicable, of Section 99312.

(c) The revenues transferred to the Public Transportation Account for the State Transit Assistance Program that are attributable to subdivision (a) of Section 11053 of the Revenue and Taxation Code are hereby continuously appropriated to the Controller, and, upon allocation pursuant to Sections 99313 and 99314, shall only be expended on the following:

(1) Transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or existing transit facilities, including rehabilitation or modernization of existing vehicles or facilities.

(2) The design, acquisition, and construction of new vehicles or facilities that improve existing transit services.

(3) Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

(d) (1) Prior to receiving an apportionment of funds pursuant to subdivision (c) from the Controller in a fiscal year, a recipient transit agency shall submit to the Department of Transportation a list of projects proposed to be funded with these funds. The list of projects proposed to be funded with these funds shall include a description and location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of a recipient transit agency to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (c).

(2) The department shall report to the Controller the recipient transit agencies that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds for the applicable fiscal year. The Controller, upon receipt of the report, shall apportion funds pursuant to Sections 99313 and 99314.

(e) For each fiscal year, each recipient transit agency receiving an apportionment of funds pursuant to subdivision (c) shall, upon expending those funds, submit documentation to the department that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement.

(f) The audit of transit operator finances required pursuant to Section 99245 shall verify that the revenues identified in subdivision (c) have been expended in conformance with these specific requirements and all other generally applicable requirements.

SEC. 20. Section 99312.3 is added to the Public Utilities Code, to read:

99312.3. Revenues transferred to the Public Transportation Account pursuant to paragraph (2) of subdivision (c) of Section 6051.8 and paragraph (2) of subdivision (c) of Section 6201.8 of the Revenue and Taxation Code are hereby continuously appropriated to the Transportation Agency for distribution in the following manner:

(a) (1) Fifty percent of available annual revenues under this section shall be allocated by the Transportation Agency to the public agencies, including joint powers agencies, responsible for state-supported intercity rail services. A minimum of 25 percent of the funds available under this subdivision shall be allocated to each of the state's three intercity rail corridors that provide regularly scheduled intercity rail service.

(2) The Transportation Agency shall adopt guidelines governing the administration of the funds available under this subdivision, including provisions providing authority for loans of these funds by mutual agreement between intercity rail service corridors.

(b) (1) Fifty percent of available annual revenues under this section shall be allocated by the Transportation Agency to the public agencies, including joint powers agencies, responsible for commuter rail services. For the 2018–19 and 2019–20 fiscal years, 20 percent of the funds available under this subdivision shall be allocated to each of the state’s five commuter rail service providers that provide regularly scheduled commuter rail service. Commencing July 1, 2020, the funds available under this subdivision shall be allocated based on guidelines and a distribution formula adopted by the Transportation Agency.

(2) On or before July 1, 2019, the Transportation Agency shall prepare a draft of the proposed guidelines and distribution formula and make them available for public comment. In preparing the proposed guidelines and distribution formula, the agency shall consult with the state’s five commuter rail service providers. The final guidelines and distribution formula shall be adopted on or before January 1, 2020. The guidelines shall include, but need not be limited to, provisions providing authority for loans of these funds by mutual agreement between commuter rail service providers and providing for baseline allocations to each provider.

(c) The funds made available by this section may be used for operations and capital improvements.

SEC. 21. Section 99312.4 is added to the Public Utilities Code, to read:

99312.4. Revenues transferred to the Public Transportation Account pursuant to subdivision (a) of Section 11053 of the Revenue and Taxation Code for the Transit and Intercity Rail Capital Program (Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code) shall be available for appropriation to that program pursuant to the annual Budget Act.

SEC. 22. Section 99314.9 is added to the Public Utilities Code, to read:

99314.9. The Controller shall compute quarterly proposed allocations for State Transit Assistance Program funds available for allocation pursuant to Sections 99313 and 99314. The Controller shall publish the allocations for each eligible recipient agency, including one list applicable to revenues allocated pursuant to subdivision (c) of Section 99312.1 and another list for revenues allocated from all other revenues in the Public Transportation Account that are designated for the State Transit Assistance Program.

SEC. 23. Section 6051.8 of the Revenue and Taxation Code is amended to read:

6051.8. (a) Except as provided by Section 6357.3, in addition to the taxes imposed by this part, for the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 1.75 percent of the gross receipts of any retailer from the sale of all diesel fuel, as defined in Section 60022.

(b) Except as provided by Section 6357.3, in addition to the taxes imposed by this part and by subdivision (a), commencing November 1, 2017, for the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 4 percent of the gross receipts of

any retailer from the sale of all diesel fuel, as defined in Section 60022, sold at retail in this state.

(c) (1) Notwithstanding subdivision (b) of Section 7102, except as otherwise provided in paragraph (2), all of the revenues, less refunds, collected pursuant to this section shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation under the State Transit Assistance Program pursuant to Section 99312.1 of the Public Utilities Code.

(2) The revenues, less refunds, attributable to a rate of 0.5 percent of the 4-percent increase in the rate pursuant to subdivision (b), amounting to one-eighth of revenues from the increase in the rate under that subdivision, shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation by the Transportation Agency to intercity rail and commuter rail purposes pursuant to Section 99312.3 of the Public Utilities Code.

SEC. 24. Section 6201.8 of the Revenue and Taxation Code is amended to read:

6201.8. (a) Except as provided by Section 6357.3, in addition to the taxes imposed by this part, an excise tax is hereby imposed on the storage, use, or other consumption in this state of diesel fuel, as defined in Section 60022, at the rate of 1.75 percent of the sales price of the diesel fuel.

(b) Except as provided by Section 6357.3, in addition to the taxes imposed by this part and by subdivision (a), commencing November 1, 2017, an excise tax is hereby imposed on the storage, use, or other consumption in this state of diesel fuel, as defined in Section 60022, at the rate of 4 percent of the sales price of the diesel fuel.

(c) (1) Notwithstanding subdivision (b) of Section 7102, except as otherwise provided in paragraph (2), all of the revenues, less refunds, collected pursuant to this section shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation pursuant to Section 99312.1 of the Public Utilities Code.

(2) The revenues, less refunds, attributable to a rate of 0.5 percent of the 4-percent increase in the rate pursuant to subdivision (b), amounting to one-eighth of revenues from the increase in the rate under that subdivision, shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation by the Transportation Agency to intercity rail and commuter rail purposes pursuant to Section 99312.3 of the Public Utilities Code.

SEC. 25. Section 7360 of the Revenue and Taxation Code is amended to read:

7360. (a) (1) A tax of eighteen cents (\$0.18) is hereby imposed upon each gallon of fuel subject to the tax in Sections 7362, 7363, and 7364.

(2) If the federal fuel tax is reduced below the rate of nine cents (\$0.09) per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, the tax rate imposed by paragraph (1), on and after the date of the reduction, shall be recalculated by an amount so that the combined state rate under paragraph (1) and the federal tax rate per gallon equal twenty-seven cents (\$0.27).

(3) If any person or entity is exempt or partially exempt from the federal fuel tax at the time of a reduction, the person or entity shall continue to be so exempt under this section.

(b) (1) On and after July 1, 2010, in addition to the tax imposed by subdivision (a), a tax is hereby imposed upon each gallon of motor vehicle fuel, other than aviation gasoline, subject to the tax in Sections 7362, 7363, and 7364 in an amount equal to seventeen and three-tenths cents (\$0.173) per gallon.

(2) For the 2011–12 fiscal year and each fiscal year thereafter, the board shall, on or before March 1 of the fiscal year immediately preceding the applicable fiscal year, adjust the rate in paragraph (1) in that manner as to generate an amount of revenue that will equal the amount of revenue loss attributable to the exemption provided by Section 6357.7, based on estimates made by the board, and that rate shall be effective during the state's next fiscal year.

(3) In order to maintain revenue neutrality for each year, beginning with the rate adjustment on or before March 1, 2012, the adjustment under paragraph (2) shall also take into account the extent to which the actual amount of revenues derived pursuant to this subdivision and, as applicable, Section 7361.1, the revenue loss attributable to the exemption provided by Section 6357.7 resulted in a net revenue gain or loss for the fiscal year ending prior to the rate adjustment date on or before March 1.

(4) The intent of paragraphs (2) and (3) is to ensure that the act adding this subdivision and Section 6357.7 does not produce a net revenue gain in state taxes.

(5) Commencing July 1, 2019, the adjustments in paragraphs (2) and (3) shall cease, and the rate imposed by this subdivision shall be the rate in paragraph (1).

(c) On and after November 1, 2017, in addition to the taxes imposed by subdivisions (a) and (b), a tax is hereby imposed upon each gallon of motor vehicle fuel, other than aviation gasoline, subject to the tax in Sections 7362, 7363, and 7364, in an amount equal to twelve cents (\$0.12) per gallon.

(d) On July 1, 2020, and every July 1 thereafter, the board shall adjust the taxes imposed by subdivisions (a), (b), and (c), with the adjustment to apply to both to the base tax rates specified in those provisions and to any previous adjustment in rates made pursuant to this subdivision, by increasing the taxes by a percentage amount equal to the increase in the California Consumer Price Index, as calculated by the Department of Finance with the resulting taxes rounded to the nearest one-tenth of one cent (\$0.01). The first adjustment pursuant to this subdivision shall be a percentage amount

equal to the increase in the California Consumer Price Index from November 1, 2017, to November 1, 2019. Subsequent annual adjustments shall cover subsequent 12 month periods. The incremental change shall be added to the associated rate for that year.

(e) Any increases to the taxes imposed under subdivisions (a), (b), and (c) that are enacted by legislation subsequent to July 1, 2017, shall be deemed to be changes to the base tax rates for purposes of the California Consumer Price Index calculation and adjustment performed pursuant to subdivision (d).

SEC. 26. Section 7361.2 is added to the Revenue and Taxation Code, to read:

7361.2. (a) For the privilege of storing, for the purpose of sale, each supplier, wholesaler, and retailer owning 1,000 or more gallons of tax-paid motor vehicle fuel on November 1, 2017, shall pay a storage tax, the rate of which shall be determined by the board pursuant to the difference in the rate of the tax on motor vehicle fuel in effect on October 31, 2017, and the rate in effect on November 1, 2017, on tax-paid motor vehicle fuel in storage according to the volumetric measure thereof.

(b) For purposes of this section:

(1) "Owning" means having title to the motor vehicle fuel.

(2) "Retailer" means any person who sells motor vehicle fuel in this state to a person who subsequently uses the motor vehicle fuel.

(3) "Storing" includes the ownership or possession of tax-paid motor vehicle fuel outside of the bulk transfer/terminal system, including the holding of tax-paid motor vehicle fuel for sale at wholesale or retail locations stored in a container of any kind, including railroad tank cars and trucks or trailer cargo tanks. "Storing" also includes tax-paid motor vehicle fuel purchased from and invoiced by the seller, and tax-paid motor vehicle fuel removed from a terminal or entered into by a supplier, prior to the date specified in subdivision (a) and in transit on that date.

(4) "Wholesaler" means any person who sells diesel fuel in this state for resale to a retailer or to a person who is not a retailer and subsequently uses the motor vehicle fuel.

SEC. 27. Section 7653.2 is added to the Revenue and Taxation Code, to read:

7653.2. On or before January 1, 2018, each person subject to the storage tax imposed under Section 7361.2 shall prepare and file with the board, in a form prescribed by the board, a return showing the total number of gallons of tax-paid motor vehicle fuel owned by the person on November 1, 2017, the amount of the storage tax, and any other information that the board deems necessary for the proper administration of this part. The return shall be accompanied by a remittance payable to the board in the amount of tax due.

SEC. 28. Section 8352.4 of the Revenue and Taxation Code is amended to read:

8352.4. (a) Subject to Sections 8352 and 8352.1, and except as otherwise provided in subdivision (b), there shall be transferred from the money



deposited to the credit of the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund, for expenditure in accordance with Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of six million six hundred thousand dollars (\$6,600,000) per annum, representing the amount of money in the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. The actual amount shall be calculated using the annual reports of registered boats prepared by the Department of Motor Vehicles for the United States Coast Guard and the formula and method of the December 1972 report prepared for this purpose and submitted to the Legislature on December 26, 1972, by the Director of Transportation. If the amount transferred during each fiscal year is in excess of the calculated amount, the excess shall be retransferred from the Harbors and Watercraft Revolving Fund to the Motor Vehicle Fuel Account. If the amount transferred is less than the amount calculated, the difference shall be transferred from the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund. No adjustment shall be made if the computed difference is less than fifty thousand dollars (\$50,000), and the amount shall be adjusted to reflect any temporary or permanent increase or decrease that may be made in the rate under the Motor Vehicle Fuel Tax Law. Payments pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(b) (1) Commencing July 1, 2012, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and otherwise to be deposited in the Harbors and Watercraft Revolving Fund pursuant to subdivision (a) shall instead be transferred to the General Fund.

(2) Commencing November 1, 2017, the revenues attributable to the taxes imposed pursuant to subdivision (c) of Section 7360, any adjustment pursuant to subdivision (d) of Section 7360, and Section 7361.2, and otherwise to be deposited in the Harbors and Watercraft Revolving Fund pursuant to subdivision (a), shall instead be transferred to the State Parks and Recreation Fund to be used for state parks, off-highway vehicle programs, or boating programs.

SEC. 29. Section 8352.5 of the Revenue and Taxation Code is amended to read:

8352.5. (a) (1) Subject to Sections 8352 and 8352.1, and except as otherwise provided in paragraph (1) of subdivision (b), there shall be transferred from the money deposited to the credit of the Motor Vehicle Fuel Account to the Department of Food and Agriculture Fund, during the second quarter of each fiscal year, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

(2) The amounts are not subject to Section 6357 with respect to the collection of sales and use taxes thereon, and represent the portion of receipts in the Motor Vehicle Fuel Account during a calendar year that were attributable to agricultural off-highway use of motor vehicle fuel which is subject to refund pursuant to Section 8101, less gross refunds allowed by the Controller during the fiscal year ending June 30 following the calendar

year to persons entitled to refunds for agricultural off-highway use pursuant to Section 8101. Payments pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(b) (1) Commencing July 1, 2012, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and otherwise to be deposited in the Department of Food and Agriculture Fund pursuant to subdivision (a) shall instead be transferred to the General Fund.

(2) Commencing November 1, 2017, the revenues attributable to the taxes imposed pursuant to subdivision (c) of Section 7360, as adjusted pursuant to subdivision (d) of Section 7360, and Section 7361.2 shall be deposited in the Department of Food and Agriculture Fund.

(c) On or before September 30, 2012, and on or before September 30 of each even-numbered year thereafter, the Director of Transportation and the Director of Food and Agriculture shall jointly prepare, or cause to be prepared, a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Account attributable to agricultural off-highway use of motor vehicle fuel, which is subject to refund pursuant to Section 8101 less gross refunds allowed by the Controller to persons entitled to refunds for agricultural off-highway use pursuant to Section 8101; and they shall submit a copy of the report to the Legislature.

SEC. 30. Section 8352.6 of the Revenue and Taxation Code is amended to read:

8352.6. (a) (1) Subject to Section 8352.1, and except as otherwise provided in paragraphs (2) and (3), on the first day of every month, there shall be transferred from moneys deposited to the credit of the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund created by Section 38225 of the Vehicle Code an amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. Transfers made pursuant to this section shall be made prior to transfers pursuant to Section 8352.2.

(2) (A) Commencing July 1, 2012, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and otherwise to be deposited in the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) shall instead be transferred to the General Fund.

(B) Commencing November 1, 2017, the revenues attributable to the taxes imposed pursuant to subdivision (c) of Section 7360, any adjustment pursuant to subdivision (d) of Section 7360, and Section 7361.2, and otherwise to be deposited in the Off-Highway Vehicle Trust Fund pursuant to subdivision (a), shall instead be transferred to the State Parks and Recreation Fund to be used for state parks, off-highway vehicle programs, or boating programs.

(3) The Controller shall withhold eight hundred thirty-three thousand dollars (\$833,000) from the monthly transfer to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and transfer that amount to the General Fund.

(b) The amount transferred to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) of subdivision (a), as a percentage of the Motor Vehicle Fuel Account, shall be equal to the percentage transferred in the 2006–07 fiscal year. Every five years, starting in the 2013–14 fiscal year, the percentage transferred may be adjusted by the Department of Transportation in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles. Adjustments shall be based on, but not limited to, the changes in the following factors since the 2006–07 fiscal year or the last adjustment, whichever is more recent:

(1) The number of vehicles registered as off-highway motor vehicles as required by Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(2) The number of registered street-legal vehicles that are anticipated to be used off highway, including four-wheel drive vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

(3) Attendance at the state vehicular recreation areas.

(4) Off-highway recreation use on federal lands as indicated by the United States Forest Service’s National Visitor Use Monitoring and the United States Bureau of Land Management’s Recreation Management Information System.

(c) It is the intent of the Legislature that transfers from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund should reflect the full range of motorized vehicle use off highway for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

(e) In the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, shall undertake a study to determine the appropriate adjustment to the amount transferred pursuant to subdivision (b) and to update the estimate of the amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. The

department shall provide a copy of this study to the Legislature no later than January 1, 2016.

SEC. 31. Chapter 6 (commencing with Section 11050) is added to Part 5 of Division 2 of the Revenue and Taxation Code, to read:

#### CHAPTER 6. TRANSPORTATION IMPROVEMENT FEE

11050. For purposes of this chapter, the following terms have the following meanings:

(a) "Transportation purposes" means both of the following:

(1) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for the foregoing purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(2) The research, planning, construction, improvement, maintenance, and operation of public transportation systems (and their related equipment and fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for the foregoing purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) "Transportation improvement fee" means a supplemental charge added to the fee imposed pursuant to Chapter 2 (commencing with Section 10751).

(c) "Vehicle" means every vehicle that is subject to the fee in Chapter 2 (commencing with Section 10751), except the following:

(1) A commercial vehicle with an unladen weight of more than 10,000 pounds.

(2) A vehicle exempted pursuant to the Vehicle Code from the payment of registration fees.

(3) A vehicle for which a certificate of nonoperation has been filed with the Department of Motor Vehicles pursuant to Section 4604 of the Vehicle Code, during the period of time covered by the certificate.

(4) A vehicle described in Section 5004 of the Vehicle Code.

11051. (a) In addition to any other fee imposed on a vehicle by this code or the Vehicle Code, a transportation improvement fee is hereby imposed on each vehicle as defined in subdivision (b) of Section 11050 effective on January 1, 2018, or as soon after that date as the department is able to commence collection of the fee. The transportation improvement fee shall be in the amounts specified in Section 11052.

(b) The department shall collect the fee at the same time and in the same manner as the department collects the vehicle registration fee pursuant to Section 9250 of the Vehicle Code.

(c) The fee imposed pursuant to this chapter is imposed for the privilege of a resident of California to operate upon the public highways a vehicle or

trailer coach, the registrant of which is subject to the fee under Chapter 2 (commencing with Section 10751).

(d) The revenues from the transportation improvement fee imposed by this chapter shall be available for expenditure only on transportation purposes as provided in Section 11053.

11052. (a) The annual amount of the transportation improvement fee shall be based on the market value of the vehicle, as determined by the department pursuant to Sections 10753, 10753.2, and 10753.5, using the following schedule:

(1) Vehicles with a vehicle market value range between zero dollars (\$0) and four thousand nine hundred ninety-nine dollars (\$4,999), a fee of twenty-five dollars (\$25).

(2) Vehicles with a vehicle market value range between five thousand dollars (\$5,000) and twenty-four thousand nine hundred ninety-nine dollars (\$24,999), a fee of fifty dollars (\$50).

(3) Vehicles with a vehicle market value range between twenty-five thousand dollars (\$25,000) and thirty-four thousand nine hundred ninety-nine dollars (\$34,999), a fee of one hundred dollars (\$100).

(4) Vehicles with a vehicle market value range between thirty-five thousand dollars (\$35,000) and fifty-nine thousand nine hundred ninety-nine dollars (\$59,999), a fee of one hundred fifty dollars (\$150).

(5) Vehicles with a vehicle market value range of sixty thousand dollars (\$60,000) and higher, a fee of one hundred seventy-five dollars (\$175).

(b) On January 1, 2020, and every January 1 thereafter, the department shall adjust the transportation improvement fee imposed under subdivision (a) by increasing the fee for each vehicle market range in an amount equal to the increase in the California Consumer Price Index for the prior year, except the first adjustment shall cover the prior two years, as calculated by the Department of Finance, with amounts equal to or greater than fifty cents (\$0.50) rounded to the highest whole dollar. The incremental change shall be added to the associated fee rate for that year.

(c) Any changes to the transportation improvement fee imposed in subdivision (a) that are enacted by the Legislature subsequent to January 1, 2018, shall be deemed to be changes to the base fee for purposes of the California Consumer Price Index calculation and adjustment performed pursuant to subdivision (b).

11053. Revenues from the transportation improvement fee, after deduction of the department's administrative costs related to this chapter, shall be transferred by the department to the Controller for deposit as follows:

(a) Commencing with the 2017–18 fiscal year, three hundred fifty million dollars (\$350,000,000), plus an annual increase for inflation as determined in subdivision (b) of Section 11052 for this proportional share, shall annually be deposited into the Public Transportation Account. The Controller shall, each month, set aside one-twelfth of this amount, to accumulate a total of three hundred fifty million dollars (\$350,000,000) in each fiscal year or the appropriate adjusted amount. For each fiscal year commencing with the 2017–18 fiscal year, the annual Budget Act shall include an appropriation

for 70 percent of these revenues to be allocated to the Transit and Intercity Rail Capital Program (Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code), pursuant to Section 99312.4 of the Public Utilities Code. The remaining 30 percent of these revenues shall be continuously appropriated to the Controller for allocation under the State Transit Assistance program, pursuant to subdivision (c) of Section 99312.1 of the Public Utilities Code.

(b) Commencing with the 2017–18 fiscal year, two hundred fifty million dollars (\$250,000,000) shall annually be deposited into the State Highway Account for appropriation by the annual Budget Act to the Congested Corridor Program created pursuant to Section 2391 of the Streets and Highways Code. The Controller shall, each month, set aside one-twelfth of this amount, to accumulate a total of two hundred fifty million dollars (\$250,000,000) in each fiscal year.

(c) The remaining revenues after the transfers made in subdivisions (a) and (b) shall be deposited into the Road Maintenance and Rehabilitation Account created pursuant to Section 2031 of the Streets and Highway Code.

SEC. 32. Section 60050 of the Revenue and Taxation Code is amended to read:

60050. (a) (1) A tax of sixteen cents (\$0.16) is hereby imposed upon each gallon of diesel fuel subject to the tax in Sections 60051, 60052, and 60058.

(2) If the federal fuel tax is reduced below the rate of fifteen cents (\$0.15) per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, the tax rate imposed by paragraph (1) shall be increased by an amount so that the combined state rate under paragraph (1) and the federal tax rate per gallon equal what it would have been in the absence of the federal reduction.

(3) If any person or entity is exempt or partially exempt from the federal fuel tax at the time of a reduction, the person or entity shall continue to be exempt under this section.

(b) On and after November 1, 2017, in addition to the tax imposed pursuant to subdivision (a), an additional tax of twenty cents (\$0.20) is hereby imposed upon each gallon of diesel fuel subject to the tax in Sections 60051, 60052, and 60058.

(c) On July 1, 2020, and every July 1 thereafter, the State Board of Equalization shall adjust the taxes imposed by subdivisions (a), and (b), with the adjustment to apply to both to the base tax rates specified in those provisions and to any previous adjustment in rates made pursuant to this subdivision, by increasing the taxes by a percentage amount equal to the increase in the California Consumer Price Index, as calculated by the Department of Finance with the resulting taxes rounded to the nearest one-tenth of one cent (\$0.01). The first adjustment pursuant to this subdivision shall be a percentage amount equal to the increase in the California Consumer Price Index from November 1, 2017, to November 1, 2019. Subsequent annual adjustments shall cover subsequent 12 month

periods. The incremental change shall be added to the associated rate for that year.

(d) Any changes to the taxes imposed under this section that are enacted by legislation subsequent to July 1, 2017, shall be deemed to be changes to the base tax rates for purposes of the California Consumer Price Index calculation and adjustment performed pursuant to paragraph (1).

SEC. 33. Section 60050.2 is added to the Revenue and Taxation Code, to read:

60050.2. (a) For the privilege of storing, for the purpose of sale, each supplier, wholesaler, and retailer owning 1,000 or more gallons of tax-paid diesel fuel on November 1, 2017, shall pay a storage tax of twenty cents (\$0.20) per gallon of tax-paid diesel fuel in storage according to the volumetric measure thereof.

(b) For purposes of this section:

(1) “Owning” means having title to the diesel fuel.

(2) “Retailer” means any person who sells diesel fuel in this state to a person who subsequently uses the diesel fuel.

(3) “Storing” includes the ownership or possession of tax-paid diesel fuel outside of the bulk transfer/terminal system, including the holding of tax-paid diesel fuel for sale at wholesale or retail locations stored in a container of any kind, including railroad tank cars and trucks or trailer cargo tanks. “Storing” also includes tax-paid diesel fuel purchased from and invoiced by the seller, and tax-paid diesel fuel removed from a terminal or entered into by a supplier, prior to the date specified in subdivision (a) and in transit on that date.

(4) “Wholesaler” means any person who sells diesel fuel in this state for resale to a retailer or to a person who is not a retailer and subsequently uses the diesel fuel.

SEC. 34. Section 60201.4 is added to the Revenue and Taxation Code, to read:

60201.4. On or before January 1, 2018, each person subject to the storage tax imposed under Section 60050.2 shall prepare and file with the board, in a form prescribed by the board, a return showing the total number of gallons of tax-paid diesel fuel owned by the person on November 1, 2017, the amount of the storage tax, and any other information that the board deems necessary for the proper administration of this part. The return shall be accompanied by a remittance payable to the board in the amount of tax due.

SEC. 35. Article 2.5 (commencing with Section 800) is added to Chapter 4 of Division 1 of the Streets and Highways Code, to read:

#### Article 2.5. Advance Mitigation Program

800. (a) The Advance Mitigation Program is hereby created to enhance communications between the department and stakeholders to protect natural resources through project mitigation, to meet or exceed applicable

environmental requirements, to accelerate project delivery, and to fully mitigate environmental impacts from transportation infrastructure projects. The department shall consult on all activities pursuant to this article with the Department of Fish and Wildlife, including activities pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(b) Commencing with the 2017–18 fiscal year, and for a period of four years, the department shall set aside no less than thirty million dollars (\$30,000,000) annually for the Advance Mitigation Program from the annual appropriations for the State Transportation Improvement Program and the State Highway Operation and Protection Program for the planning and implementation of projects in the Advanced Mitigation Program.

(c) The annual Budget Act and subsequent legislation may establish additional provisions and requirements for the program.

SEC. 36. Chapter 2 (commencing with Section 2030) is added to Division 3 of the Streets and Highways Code, to read:

#### CHAPTER 2. ROAD MAINTENANCE AND REHABILITATION PROGRAM

2030. (a) The Road Maintenance and Rehabilitation Program is hereby created to address deferred maintenance on the state highway system and the local street and road system. Funds made available by the program shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects.

(b) (1) Funds made available by the program shall be used for projects that include, but are not limited to, the following:

(A) Road maintenance and rehabilitation.

(B) Safety projects.

(C) Railroad grade separations.

(D) Complete street components, including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project.

(E) Traffic control devices.

(2) Funds made available by the program may also be used to satisfy a match requirement in order to obtain state or federal funds for projects authorized by this subdivision.

(c) To the extent possible and cost effective, and where feasible, the department and cities and counties receiving funds under the program shall use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating the streets and highways, and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method.

(d) To the extent possible and cost effective, and where feasible, the department and cities and counties receiving funds under the program shall use advanced technologies and communications systems in transportation infrastructure that recognize and accommodate advanced automotive



technologies that may include, but are not necessarily limited to, charging or fueling opportunities for zero-emission vehicles, and provision of infrastructure-to-vehicle communications for transitional or full autonomous vehicle systems.

(e) To the extent deemed cost effective, and where feasible, in the context of both the project scope and the risk level for the asset due to global climate change, the department and cities and counties receiving funds under the program shall include features in the projects funded by the program to better adapt the asset to withstand the negative effects of climate change and make the asset more resilient to impacts such as fires, floods, and sea level rise.

(f) To the extent beneficial, cost effective, and practicable in the context of facility type, right-of-way, project scope, and quality of nearby alternative facilities, and where feasible, the department and cities and counties receiving funds under the program shall incorporate complete street elements into projects funded by the program, including, but not limited to, elements that improve the quality of bicycle and pedestrian facilities and that improve safety for all users of transportation facilities.

(g) For purposes of funds directed to the State Highway Operation and Protection Program, the guidelines and reporting provisions shall be consistent with Section 14526.5 of the Government Code.

(h) Guidelines adopted by the commission to facilitate the allocation of funds in the account shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

2031. The following revenues shall be deposited in the Road Maintenance and Rehabilitation Account, which is hereby created in the State Transportation Fund:

(a) Notwithstanding subdivision (b) of Section 2103 and pursuant to subdivision (a) of Section 2103.1, the portion of the revenues in the Highway Users Tax Account attributable to the increases in the motor vehicle fuel excise tax pursuant to subdivision (c) of Section 7360 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (d) of that section.

(b) The revenues from the portion of the transportation improvement fee pursuant to subdivision (c) of Section 11053 of the Revenue and Taxation Code.

(c) The revenues from the increase in the vehicle registration fee pursuant to Section 9250.6 of the Vehicle Code, as adjusted pursuant to subdivision (b) of that section.

(d) Notwithstanding subdivision (b) of Section 2103 and pursuant to paragraph (2) of subdivision (b) of Section 2103.1, one-half of the revenues attributable to the increase in the diesel fuel excise tax pursuant to subdivisions (b) and (c) of Section 60050 of the Revenue and Taxation Code.

(e) Any other revenues designated for the program.

2031.5. For each fiscal year, the annual Budget Act shall contain an appropriation from the Road Maintenance and Rehabilitation Account for the costs of administering this chapter.

2032. (a) (1) After deducting the amounts appropriated in the annual Budget Act, as provided in Section 2031.5, two hundred million dollars (\$200,000,000) of the remaining revenues deposited in the Road Maintenance and Rehabilitation Account shall be set aside annually for counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees as defined by subdivision (b) of Section 8879.67 of the Government Code, which taxes or fees are dedicated solely to transportation improvements. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of two hundred million dollars (\$200,000,000) in each fiscal year.

(2) Eligible projects under this subdivision shall include, but not are limited to, sound walls for a freeway that was built prior to 1987 without sound walls and with or without high occupancy vehicle lanes if the completion of the sound walls has been deferred due to lack of available funding for at least 20 years and a noise barrier scope summary report has been completed within the last 20 years.

(3) Notwithstanding Section 13340 of the Government Code, the funds available under this subdivision in each fiscal year are hereby continuously appropriated for allocation to each eligible county and each city in the county for road maintenance and rehabilitation purposes pursuant to Section 2033.

(b) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amount allocated in subdivision (a), beginning in the 2017–18 fiscal year, one hundred million dollars (\$100,000,000) of the remaining revenues shall be available annually for expenditure, upon appropriation by the Legislature, on the Active Transportation Program created pursuant to Chapter 8 (commencing with Section 2380) of Division 3 to be allocated by the California Transportation Commission pursuant to Section 2381. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of one hundred million dollars (\$100,000,000) in each fiscal year.

(c) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amounts allocated in subdivisions (a) and (b), beginning in the 2017–18 fiscal year, four hundred million dollars (\$400,000,000) of the remaining revenues shall be available annually for expenditure, upon appropriation by the Legislature, by the department for bridge and culvert maintenance and rehabilitation. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of four hundred million dollars (\$400,000,000) in each fiscal year.

(d) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amounts allocated in subdivisions (a), (b), and (c), beginning in the 2017–18 fiscal year, twenty-five million dollars (\$25,000,000) of the remaining revenues shall be transferred annually to the State Highway Account for expenditure, upon appropriation by the Legislature, to supplement the freeway service patrol program. The

Controller shall each month set aside one-twelfth of this amount, to accumulate a total of twenty-five million dollars (\$25,000,000) in each fiscal year.

(e) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amounts allocated in subdivisions (a), (b), (c), and (d), in the 2017–18, 2018–19, 2019–20, 2020–21, and 2021–22 fiscal years, from revenues in the Road Maintenance and Rehabilitation Account that are not subject to Article XIX of the California Constitution, five million dollars (\$5,000,000) shall be appropriated in each fiscal year to the California Workforce Development Board to assist local agencies to implement policies to promote preapprenticeship training programs to carry out the projects that are funded by the account pursuant to Section 2038. Funds appropriated pursuant to this subdivision in the Budget Act but remaining unexpended at the end of each applicable fiscal year shall be reappropriated for the same purposes in the following year's Budget Act, but all funds appropriated or reappropriated pursuant to this subdivision in the Budget Act shall be liquidated no later than June 30, 2027.

(f) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amounts allocated in subdivisions (a), (b), (c), (d), and (e), beginning in the 2017–18 fiscal year, twenty-five million dollars (\$25,000,000) of the remaining revenues shall be available annually for expenditure, upon appropriation by the Legislature, by the department for local planning grants, as described in Section 2033.5. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of twenty-five million dollars (\$25,000,000) in each fiscal year.

(g) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amounts allocated in subdivisions (a), (b), (c), (d), (e), and (f), beginning in the 2017–18 fiscal year and each fiscal year thereafter, from the remaining revenues, five million dollars (\$5,000,000) shall be available, upon appropriation, to the University of California for the purpose of conducting transportation research and two million dollars (\$2,000,000) shall be available, upon appropriation, to the California State University for the purpose of conducting transportation research and transportation-related workforce education, training, and development. Prior to the start of each fiscal year, the Secretary of Transportation and the chairs of the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing may set out a recommended priority list of research components to be addressed in the upcoming fiscal year.

(h) Notwithstanding Section 13340 of the Government Code, the balance of the revenues deposited in the Road Maintenance and Rehabilitation Account are hereby continuously appropriated as follows:

(1) Fifty percent for allocation to the department for maintenance of the state highway system or for purposes of the state highway operation and protection program.

(2) Fifty percent for apportionment to cities and counties by the Controller pursuant to the formula in clauses (i) and (ii) of subparagraph (C) of

paragraph (3) of subdivision (a) of Section 2103 for the purposes authorized by this chapter.

2032.5. (a) It is the intent of the Legislature that the Department of Transportation and local governments are held accountable for the efficient investment of public funds to maintain the public highways, streets, and roads, and are accountable to the people through performance goals that are tracked and reported.

(b) The department shall annually report to the commission relative to the expenditures made with funds received pursuant to subdivision (c) of, and paragraph (1) of subdivision (g) of, Section 2032, and the progress made and achievement of the performance goals outlined in subdivision (n) of Section 1 of the act adding this section.

(c) For each fiscal year in which the department receives an allocation of funds described in subdivision (b), the department shall submit documentation to the commission that includes a description and the location of each completed project, the amount of funds expended on the project, the completion date, and the project's estimated useful life. Annually, the commission shall evaluate the effectiveness of the department in reducing deferred maintenance and improving road conditions on the state highway system, as demonstrated by the progress made by the goals set forth in subdivision (n) of Section 1 of the act enacting this section. The commission may make recommendations for improvement and may withhold future project allocations if it determines program funds are not being appropriately spent. The commission shall annually include any findings in its annual report to the Legislature pursuant to Section 14535 of the Government Code.

(d) The department shall implement efficiency measures with the goal to generate at least one hundred million dollars (\$100,000,000) per year in savings to invest in maintenance and rehabilitation of the state highway system. These savings shall be reported to the commission.

2033. (a) On or before January 1, 2018, the commission, in cooperation with the department, transportation planning agencies, county transportation commissions, and other local agencies, shall develop guidelines for the allocation of funds pursuant to subdivision (a) of Section 2032.

(b) The guidelines shall be the complete and full statement of the policy, standards, and criteria that the commission intends to use to determine how these funds will be allocated.

(c) The commission may amend the adopted guidelines after conducting at least one public hearing.

2033.5. The department, from funds made available pursuant to subdivision (f) of Section 2032, shall allocate local planning grants to encourage local and regional planning that furthers state goals, including, but not limited to, the goals and best practices cited in the regional transportation guidelines adopted by the commission pursuant to Sections 14522 to 14522.3, inclusive, of the Government Code. The department shall develop a grant guide and shall consult with the State Air Resources Board, the Governor's Office of Planning and Research, and the Department of Housing and Community Development in the development of the grant

guide, and shall provide status reports as it administers these funds. The grant guide shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

2034. (a) (1) Prior to receiving an apportionment of funds under the program pursuant to paragraph (2) of subdivision (h) of Section 2032 from the Controller in a fiscal year, an eligible city or county shall submit to the commission a list of projects proposed to be funded with these funds pursuant to an adopted city or county budget. All projects proposed to receive funding shall be included in a city or county budget that is adopted by the applicable city council or county board of supervisors at a regular public meeting. The list of projects proposed to be funded with these funds shall include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (b) of Section 2030.

(2) The commission shall report to the Controller the cities and counties that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds under the program for the applicable fiscal year. The Controller, upon receipt of the report, shall apportion funds to eligible cities and counties.

(b) For each fiscal year, each city or county receiving an apportionment of funds shall, upon expending program funds, submit documentation to the commission that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement.

2036. (a) Cities and counties shall maintain their existing commitment of local funds for street, road, and highway purposes in order to remain eligible for an allocation or apportionment of funds pursuant to Section 2032.

(b) In order to receive an allocation or apportionment pursuant to Section 2032, the city or county shall annually expend from its general fund for street, road, and highway purposes an amount not less than the annual average of its expenditures from its general fund during the 2009–10, 2010–11, and 2011–12 fiscal years, as reported to the Controller pursuant to Section 2151. For purposes of this subdivision, in calculating a city's or county's annual general fund expenditures and its average general fund expenditures for the 2009–10, 2010–11, and 2011–12 fiscal years, any unrestricted funds that the city or county may expend at its discretion, including vehicle in-lieu tax revenues and revenues from fines and forfeitures, expended for street, road, and highway purposes shall be considered expenditures from the general fund. One-time allocations that have been expended for street and highway purposes, but which may not be available on an ongoing basis, including revenue provided under the Teeter Plan Bond Law of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code), may not

be considered when calculating a city's or county's annual general fund expenditures.

(c) For any city incorporated after July 1, 2009, the Controller shall calculate an annual average expenditure for the period between July 1, 2009, and December 31, 2015, inclusive, that the city was incorporated.

(d) For purposes of subdivision (b), the Controller may request fiscal data from cities and counties in addition to data provided pursuant to Section 2151, for the 2009–10, 2010–11, and 2011–12 fiscal years. Each city and county shall furnish the data to the Controller not later than 120 days after receiving the request. The Controller may withhold payment to cities and counties that do not comply with the request for information or that provide incomplete data.

(e) The Controller may perform audits to ensure compliance with subdivision (b) when deemed necessary. Any city or county that has not complied with subdivision (b) shall reimburse the state for the funds it received during that fiscal year. Any funds withheld or returned as a result of a failure to comply with subdivision (b) shall be reapportioned to the other counties and cities whose expenditures are in compliance.

(f) If a city or county fails to comply with the requirements of subdivision (b) in a particular fiscal year, the city or county may expend during that fiscal year and the following fiscal year a total amount that is not less than the total amount required to be expended for those fiscal years for purposes of complying with subdivision (b).

2037. A city or county may spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to this chapter if the city's or county's average Pavement Condition Index meets or exceeds 80.

2038. The California Workforce Development Board shall develop guidelines for public agencies receiving Road Maintenance and Rehabilitation Account funds to participate in, invest in, or partner with, new or existing preapprenticeship training programs established pursuant to subdivision (e) of Section 14230 of the Unemployment Insurance Code. The department and local agencies that receive Road Maintenance and Rehabilitation Account funds pursuant to this chapter shall, not later than July 1, 2023, follow the guidelines set forth by the board. The board shall also establish a preapprenticeship development and training grant program, beginning January 1, 2019, pursuant to subdivision (e) of Section 14230 of the Unemployment Insurance Code. Local public agencies that receive Road Maintenance and Rehabilitation Account funds pursuant to this chapter are eligible to compete for such grants and may apply in partnership with other agencies and entities, including those with existing preapprenticeship programs. Successful grant applicants shall, to the extent feasible:

(a) Follow the multicraft core curriculum implemented by the State Department of Education for its pilot project with the California Partnership Academies and by the California Workforce Development Board and local boards.

(b) Include a plan for outreach to and retention of women participants in the preapprenticeship program to help increase the representation of women in the building and construction trades.

(c) Include a plan for outreach to and retention of minority participants and underrepresented subgroups in the preapprenticeship program to help increase their representation in the building and construction trades.

(d) Include a plan for outreach to and retention of disadvantaged youth participants in the preapprenticeship program to help increase their employment opportunities in the building and construction trades.

(e) Include a plan for outreach to individuals in the local labor market area and to formerly incarcerated individuals to provide pathways to employment and training.

(f) Coordinate with local state-approved apprenticeship programs, local building trade councils, and to the extent possible the California Conservation Corps and certified community conservation corps, so individuals who have completed these programs have a pathway to continued employment.

SEC. 37. Section 2103.1 is added to the Streets and Highways Code, to read:

2103.1. (a) Notwithstanding subdivision (b) of Section 2103, the portion of revenues in the Highway Users Tax Account attributable to the increases in the motor vehicle fuel excise tax pursuant to subdivision (c) of Section 7360 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (d) of that section, shall be transferred to the Road Maintenance and Rehabilitation Account pursuant to Section 2031.

(b) Notwithstanding subdivision (b) of Section 2103, the portion of revenues in the Highway Users Tax Account attributable to the increase in the diesel fuel excise tax pursuant to subdivision (b) of Section 60050 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, shall be transferred as follows:

(1) Fifty percent to the Trade Corridors Enhancement Account pursuant to Section 2192.4.

(2) Fifty percent to the Road Maintenance and Rehabilitation Account pursuant to Section 2031.

(c) Notwithstanding subdivision (b) of Section 2103, the portion of the revenues in the Highway Users Tax Account attributable to the storage taxes imposed pursuant to Sections 7361.2 and 60050.2 of the Revenue and Taxation Code shall be deposited in the Road Maintenance and Rehabilitation Account created pursuant to Section 2031.

SEC. 38. Section 2104 of the Streets and Highways Code is amended to read:

2104. Notwithstanding Section 13340 of the Government Code, a sum equal to the net revenue derived from 11.3 percent of the per gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2), 1.80 cents (\$0.0180) under the Use Fuel Tax Law (Part 3 (commencing with Section 8601) of Division 2), and 11.5 percent of the per gallon tax under the Diesel Fuel Tax Law (Part 31

(commencing with Section 60001) of Division 2) of the Revenue and Taxation Code, shall be apportioned among the counties, as follows:

(a) Each county shall be paid one thousand six hundred sixty-seven dollars (\$1,667) during each calendar month, which amount shall be expended exclusively for engineering costs and administrative expenses with respect to county roads.

(b) A sum equal to the total of all reimbursable snow removal or snow grooming, or both, costs filed pursuant to subdivision (d) of Section 2152, or seven million dollars (\$7,000,000), whichever is less, shall be apportioned in 12 approximately equal monthly apportionments for snow removal or snow grooming, or both, on county roads, as provided in Section 2110.

(c) A sum equal to five hundred thousand dollars (\$500,000) shall be apportioned in 12 approximately equal monthly apportionments, as provided in Section 2110.5.

(d) (1) Seventy-five percent of the funds payable under this section shall be apportioned among the counties monthly in the respective proportions that the number of fee-paid and exempt vehicles which are registered in each county bears to the total number of fee-paid and exempt vehicles registered in the state.

(2) For purposes of apportionment under this subdivision, the Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the Controller a verified statement showing the number of fee-paid and exempt vehicles which are registered in each county and in the state as of the last day of each calendar month as reflected by the records of the Department of Motor Vehicles.

(e) Of the remaining money payable, there shall be paid to each eligible county an amount that is computed monthly as follows: The number of miles of maintained county roads in each county shall be multiplied by sixty dollars (\$60); from the resultant amount, there shall be deducted the amount received by each county under subdivision (d) and the remainder, if any, shall be paid to each county.

(f) The remaining money payable, after the foregoing apportionments, shall be apportioned among the counties in the same proportion as the money referred to in subdivision (d).

(g) (1) Transfers of revenues from the Highway Users Tax Account to counties pursuant to this section collected during the months of March, April, May, June, and July of 2008, shall be made with the transfer of August 2008 revenues in September of 2008. This suspension shall not apply to a county with a population of less than 40,000.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a county may make use of any cash balance in its county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (hereafter bond act)) for local streets and roads maintenance, during the period of this suspension, without the use of this cash being reflected as an expenditure of bond act funds,



provided the cash is replaced once this suspension is repaid in September of 2008. Counties may accrue the revenue received in September 2008 as repayment of these suspensions for the months of April, May, and June of 2008 back to the 2007–08 fiscal year. Nothing in this paragraph shall change the fact that expenditures must be accrued and reflected from the appropriate funding sources for which the moneys were received and meet all the requirements of those funding sources.

(h) (1) The transfer of revenues from the Highway Users Tax Account to counties pursuant to this section that are collected during the months of January, February, and March 2009, shall be made with the transfer of April 2009 revenues in May 2009.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a county may make use of any cash balance in its county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (bond act)) for local streets and roads maintenance during the period of this suspension, provided the cash is replaced once this suspension is repaid in May of 2009.

(3) This subdivision shall not affect any requirement that an expenditure is required to be accrued and reflected from the appropriate funding source for which the money was received and to meet all the requirements of its funding source.

SEC. 39. Section 2105 of the Streets and Highways Code is amended to read:

2105. Notwithstanding Section 13340 of the Government Code, in addition to the apportionments prescribed by Sections 2104, 2106, and 2107, from the revenues derived from a per gallon tax imposed pursuant to Section 7360 of the Revenue and Taxation Code, and a per gallon tax imposed pursuant to Sections 8651, 8651.5, and 8651.6 of the Revenue and Taxation Code, and a per gallon tax imposed pursuant to Sections 60050 and 60115 of the Revenue and Taxation Code, the following apportionments shall be made:

(a) A sum equal to 5.8 percent of the per gallon tax under Section 7360 of the Revenue and Taxation Code, 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Sections 8651, 8651.5, and 8651.6 of the Revenue and Taxation Code, and 6.5 percent of the per gallon tax under Sections 60050 and 60115 of the Revenue and Taxation Code, shall be apportioned among the counties, including a city and county.

The amount of apportionment to each county, including a city and county, during a fiscal year shall be calculated as follows:

(1) One million dollars (\$1,000,000) for apportionment to all counties, including a city and county, in proportion to each county's receipts during the prior fiscal year under Sections 2104 and 2106.

(2) One million dollars (\$1,000,000) for apportionment to all counties, including a city and county, as follows:

(A) Seventy-five percent in the proportion that the number of fee-paid and exempt vehicles which are registered in the county bears to the number of fee-paid and exempt vehicles registered in the state.

(B) Twenty-five percent in the proportion that the number of miles of maintained county roads in the county bears to the miles of maintained county roads in the state.

(3) For each county, determine its factor which is the higher amount calculated pursuant to paragraph (1) or (2) divided by the sum of the higher amounts for all of the counties.

(4) The amount to be apportioned to each county is equal to its factor multiplied by the amount available for apportionment.

(b) A sum equal to 5.8 percent of the per gallon tax under Section 7360 of the Revenue and Taxation Code, 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Sections 8651, 8651.5, and 8651.6 of the Revenue and Taxation Code, and 6.5 percent of the per gallon tax under Sections 60050 and 60115 of the Revenue and Taxation Code, shall be apportioned to cities, including a city and county, in the proportion that the total population of the city bears to the total population of all the cities in the state.

(c) (1) Transfers of revenues from the Highway Users Tax Account to counties or cities pursuant to this section collected during the months of March, April, May, June, and July of 2008, shall be made with the transfer of August 2008 revenues in September of 2008. This suspension shall not apply to a county with a population of less than 40,000.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a city or county may make use of any cash balance in the city account that is designated for the receipt of state funds allocated for local streets and roads or the county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (hereafter bond act)) for local streets and roads maintenance, during the period of this suspension, without the use of this cash being reflected as an expenditure of bond act funds, provided the cash is replaced once this suspension is repaid in September of 2008. Counties and cities may accrue the revenue received in September 2008 as repayment of these suspensions for the months of April, May, and June of 2008 back to the 2007–08 fiscal year. Nothing in this paragraph shall change the fact that expenditures must be accrued and reflected from the appropriate funding sources for which the moneys were received and meet all the requirements of those funding sources.

(d) (1) The transfer of revenues from the Highway Users Tax Account to counties or cities pursuant to this section collected during the months of January, February, and March 2009 shall be made with the transfer of April 2009 revenues in May 2009.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a city or county may make use of any cash balance

in the city account that is designated for the receipt of state funds allocated for local streets and roads or the county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (bond act)) for local streets and roads maintenance, during the period of this suspension, and the use of this cash shall not be considered as an expenditure of bond act funds, if the cash is replaced when the payments that are suspended pursuant to this subdivision are repaid in May 2009.

(3) This subdivision shall not affect any requirement that an expenditure is required to be accrued and reflected from the appropriate funding source for which the money was received and to meet all the requirements of its funding source.

SEC. 40. Section 2106 of the Streets and Highways Code is amended to read:

2106. Notwithstanding Section 13340 of the Government Code, a sum equal to the net revenue derived from 5.3 percent of the per gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code) shall be apportioned monthly from the Highway Users Tax Account in the Transportation Tax Fund among the counties and cities as follows:

(a) Four hundred dollars (\$400) per month shall be apportioned to each city and city and county and eight hundred dollars (\$800) per month shall be apportioned to each county and city and county.

(b) On the last day of each month, the sum of six hundred thousand dollars (\$600,000) shall be transferred to the State Highway Account in the State Transportation Fund for the Active Transportation Program pursuant to Chapter 8 (commencing with Section 2380). For each month in the 2013–14 fiscal year that has passed prior to the enactment of the bill adding this sentence, six hundred thousand dollars (\$600,000) shall be immediately transferred from the Bicycle Transportation Account to the State Highway Account in the State Transportation Fund for the Active Transportation Program, less any amount already expended for that program from the Bicycle Transportation Account during the 2013–14 fiscal year.

(c) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county, the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property, for purposes of this computation, shall be that most recently used for countywide tax levies as reported to the Controller by the State Board of Equalization. If an incorporation or annexation is

legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which may be provided by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all the cities in the county. Populations used for determining apportionment of money under Section 2107 are to be used for purposes of this section.

(d) (1) Transfers of revenues from the Highway Users Tax Account to counties or cities pursuant to this section collected during the months of March, April, May, June, and July of 2008, shall be made with the transfer of August 2008 revenues in September of 2008. This suspension shall not apply to a county with a population of less than 40,000.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a city or county may make use of any cash balance in the city account that is designated for the receipt of state funds allocated for local streets and roads or the county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (hereafter bond act)) for local streets and roads maintenance, during the period of this suspension, without the use of this cash being reflected as an expenditure of bond act funds, provided the cash is replaced once this suspension is repaid in September of 2008. Counties and cities may accrue the revenue received in September 2008 as repayment of these suspensions for the months of April, May, and June of 2008 back to the 2007–08 fiscal year. Nothing in this paragraph shall change the fact that expenditures must be accrued and reflected from the appropriate funding sources for which the moneys were received and meet all the requirements of those funding sources.

(e) (1) The transfer of revenues from the Highway Users Tax Account to counties or cities pursuant to this section collected during the months of January, February, and March 2009, shall be made with the transfer of April 2009 revenues in May 2009.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a city or county may make use of any cash balance in the city account that is designated for the receipt of state funds allocated for local streets and roads or the county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (bond act)) for local streets and roads maintenance, during the period of this suspension, and the use of this cash shall not be considered as an expenditure of bond act funds, if the cash is replaced when the payments that are suspended pursuant to this subdivision are repaid in May 2009.

(3) This subdivision shall not affect any requirement that an expenditure is required to be accrued and reflected from the appropriate funding source for which the money was received and to meet all the requirements of its funding source.

SEC. 41. Section 2107 of the Streets and Highways Code is amended to read:

2107. (a) Notwithstanding Section 13340 of the Government Code, a sum equal to the net revenues derived from 7.3 percent of the per gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2), 2.59 cents (\$0.0259) under the Use Fuel Tax Law (Part 3 (commencing with Section 8601) of Division 2), and 11.5 percent under the Diesel Fuel Tax Law (Part 31 (commencing with Section 60001) of Division 2) of the Revenue and Taxation Code, shall be apportioned monthly to the cities and counties of this state from the Highway Users Tax Account in the Transportation Tax Fund as provided in this section.

(b) From the sum determined pursuant to subdivision (a), the Controller shall allocate annually to each city that has filed a report containing the information prescribed by subdivision (c) of Section 2152, and that had expenditures in excess of five thousand dollars (\$5,000) during the preceding fiscal year for snow removal, an amount equal to one-half of the amount of its expenditures for snow removal in excess of five thousand dollars (\$5,000) during that fiscal year.

(c) The balance of the sum determined pursuant to subdivision (a) from the Highway Users Tax Account shall be allocated to each city, including city and county, in the proportion that the total population of the city bears to the total population of all the cities in this state.

(d) (1) For the purpose of this section, except as otherwise provided in paragraph (2), the population in each city is the population determined for that city in the manner specified in Section 11005.3 of the Revenue and Taxation Code.

(2) Commencing with the ninth fiscal year of a city described in subdivision (a) of Section 11005.3 of the Revenue and Taxation Code, the sixth fiscal year of a city described in subdivision (b) of Section 11005.3 of the Revenue and Taxation Code, and the 61st month of the city described in subdivision (c) of Section 11005.3 of the Revenue and Taxation Code, the population in each city is the actual population of that city, as defined in subdivision (e) of Section 11005.3 of the Revenue and Taxation Code.

(e) (1) Transfers of revenues from the Highway Users Tax Account to cities pursuant to this section collected during the months of March, April, May, June, and July of 2008, shall be made with the transfer of August 2008 revenues in September of 2008.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a city may make use of any cash balance in the city account that is designated for the receipt of state funds allocated for local streets and roads, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port

Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (hereafter bond act)) for local streets and roads maintenance, during the period of this suspension, without the use of this cash being reflected as an expenditure of bond act funds, provided the cash is replaced once this suspension is repaid in September of 2008. Cities may accrue the revenue received in September 2008 as repayment of these suspensions for the months of April, May, and June of 2008 back to the 2007–08 fiscal year. Nothing in this paragraph shall change the fact that expenditures must be accrued and reflected from the appropriate funding sources for which the moneys were received and meet all the requirements of those funding sources.

(f) (1) A transfer of revenues from the Highway Users Tax Account to cities pursuant to this section collected during the months of January, February, and March 2009, shall be made with the transfer of April 2009 revenues in May 2009.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a city may make use of any cash balance in the city account that is designated for the receipt of state funds allocated for local streets and roads, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (bond act)) for local streets and roads maintenance, during the period of this suspension, and the use of this cash shall not be reflected as an expenditure of bond act funds, if the cash is replaced once this suspension is repaid in May 2009.

(3) This subdivision shall not affect any requirement that an expenditure is required to be accrued and reflected from the appropriate funding sources for which the moneys were received and to meet all the requirements of those funding sources.

SEC. 42. Section 2192.4 is added to the Streets and Highways Code, to read:

2192.4. The Trade Corridor Enhancement Account is hereby created in the State Transportation Fund to receive funds from subdivision (b) of Section 60050 of the Revenue and Taxation Code, as adjusted. Funds in the account shall be available for expenditure upon appropriation by the Legislature for corridor-based freight projects nominated by local agencies and the state.

SEC. 43. The Legislature finds and declares all of the following:

(a) Californians know congestion. For decades, California has been home to five or six of the nation's most congested travel corridors, which are located in Los Angeles, the San Francisco-Oakland-San Jose Bay Area, the Inland Empire, San Diego, and increasingly, in the central valley. While congestion is a vexing challenge in a state that is home to nearly 40 million people and that adds nearly a half-million people each year, regions and localities are finding new ways to address congestion in highly traveled corridors by undertaking long-term, comprehensive, and multimodal approaches that seek to reduce congestion by expanding travel choices,

improving the quality of life, and preserving the local community character within the corridor.

(b) Examples of this more comprehensive approach to improving congestion in highly traveled corridors include, but are not limited to, programs in the following regions:

(1) The North Coast Corridor improvements along Route 5 and the parallel rail corridor in the County of San Diego.

(2) The Route 91 and Metrolink rail corridor improvements in the County of Riverside.

(3) Emerging solutions for the Route 101 and Caltrain corridor connecting Silicon Valley with San Francisco.

(4) Multimodal approaches for the Route 101 and SMART rail corridor between the Counties of Marin and Sonoma.

(5) Comprehensive solutions for the Route 405 Corridor in the County of Los Angeles.

(c) The state recognizes the benefits to mobility, quality of life, and the environment through comprehensive, multimodal proposals that address mobility, community, and environmental challenges along highly traveled corridors. Therefore, the Solutions for Congested Corridors Program is being created to support collaborative and comprehensive proposals to address these challenges.

SEC. 44. Chapter 8.5 (commencing with Section 2390) is added to Division 3 of the Streets and Highways Code, to read:

#### CHAPTER 8.5. CONGESTED CORRIDORS

2390. The Solutions for Congested Corridors Program is hereby created.

2391. Pursuant to subdivision (b) of Section 11053 of the Revenue and Taxation Code, two hundred fifty million dollars (\$250,000,000) in the State Highway Account shall be available for appropriation to the Department of Transportation in each annual Budget Act for the Solutions for Congested Corridors Program. Funds made available for the program shall be allocated by the California Transportation Commission to projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state. Funding shall be available for projects that make specific performance improvements and are part of a comprehensive corridor plan designed to reduce congestion in highly traveled corridors by providing more transportation choices for residents, commuters, and visitors to the area of the corridor while preserving the character of the local community and creating opportunities for neighborhood enhancement projects. In order to mitigate increases in vehicle miles traveled, greenhouse gases, and air pollution, highway lane capacity-increasing projects funded by this program shall be limited to high-occupancy vehicle lanes, managed lanes as defined in Section 14106 of the Government Code, and other non-general purpose lane improvements primarily designed to improve safety for all modes of

travel, such as auxiliary lanes, truck climbing lanes, or dedicated bicycle lanes. Project elements within the corridor plans may include improvements to state highways, local streets and roads, public transit facilities, bicycle and pedestrian facilities, and restoration or preservation work that protects critical local habitat or open space.

2392. A regional transportation planning agency or county transportation commission or authority responsible for preparing a regional transportation improvement plan under Section 14527 of the Government Code or the department may nominate projects for funding through the program that are consistent with the policy objectives of the program as set forth in this chapter. The commission shall allocate no more than one-half of the funds available each year to projects nominated exclusively by the department. Preference shall be given to corridor plans that demonstrate that the plans and the specific project improvements to be undertaken are the result of collaboration between the department and local or regional partners that reflect a comprehensive approach to addressing congestion and quality-of-life issues within the affected corridor through investment in transportation and related environmental solutions. Collaboration between the partners may be demonstrated by a project being jointly nominated by both the regional agency and the department.

2393. A project nomination shall include documentation regarding the quantitative and qualitative measures validating the project's consistency with the policy objectives of the program as set forth in this chapter. In addition to being included in a corridor plan, a nominated project shall also be included in the region's regional transportation plan. Projects within the boundaries of a metropolitan planning organization must be included in an adopted regional transportation plan that includes a sustainable communities strategy determined by the State Air Resources Board to achieve the region's greenhouse gas emissions reduction targets.

2394. The commission shall allocate program funds to projects after reviewing the corridor plans submitted by the regional agencies or the department and making a determination that a proposed project is consistent with the objectives of the corridor plan. In addition to making a consistency determination with respect to project nominations, the commission shall score the proposed projects on the following criteria:

- (a) Safety.
- (b) Congestion.
- (c) Accessibility.
- (d) Economic development and job creation and retention.
- (e) Furtherance of state and federal ambient air standards and greenhouse gas emissions reduction standards pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38550) of the Health and Safety Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).
- (f) Efficient land use.
- (g) Matching funds.
- (h) Project deliverability.



2395. The commission shall adopt an initial program of projects to be funded through the initial appropriation for the program. The initial program may cover a multiyear programming period. Subsequent programs of projects shall be adopted on a biennial basis consistent with available funds for the program, and may include updates to programs of projects previously adopted.

2396. The commission, in consultation with the State Air Resources Board, shall develop and adopt guidelines for the program consistent with the requirements of this chapter. Guidelines adopted by the commission shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Prior to adopting the guidelines, the commission shall conduct at least one public hearing in northern California and one public hearing in southern California to review and provide an opportunity for public comment. The commission shall adopt the final guidelines no sooner than 30 days after the commission provides the proposed guidelines to the Joint Legislative Budget Committee and the transportation policy committees in the Senate and the Assembly.

2397. On or before March 1, 2019, and annually thereafter, the commission shall provide project update reports on the development and implementation of the program described in this chapter in its annual report to the Legislature prepared pursuant to Section 14535 of the Government Code. A copy of the report shall be provided to the Joint Legislative Budget Committee and the transportation policy committees of both houses of the Legislature. The report, at a minimum, shall include information on each project that received funding under the program, including, but not limited to, all of the following:

- (a) A summary describing the overall progress of the project since the initial award.
- (b) Expenditures to date for all project phase costs.
- (c) A summary of milestones achieved during the prior year and milestones expected to be reached in the coming year.
- (d) An assessment of how the project is meeting the quantitative and qualitative measurements identified in the project nomination, as outlined in Section 2393.

SEC. 45. Section 4000.15 is added to the Vehicle Code, to read:

4000.15. (a) Effective January 1, 2020, the department shall confirm, prior to the initial registration or the transfer of ownership and registration of a diesel-fueled vehicle with a gross vehicle weight rating of more than 14,000 pounds, that the vehicle is compliant with, or exempt from, applicable air pollution control technology requirements pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code and regulations of the State Air Resources Board adopted pursuant to that division.

(b) Except as otherwise provided in subdivision (c), for diesel-fueled vehicles subject to Section 43018 of the Health and Safety Code, as applied to the reduction of emissions of diesel particulate matter, oxides of nitrogen,

and other criteria pollutants from in-use diesel-fueled vehicles, and Section 2025 of Title 13 of the California Code of Regulations as it read January 1, 2017, or as subsequently amended:

(1) The department shall refuse registration, or renewal or transfer of registration, for a diesel-fueled vehicle with a gross vehicle weight rating of 14,001 pounds to 26,000 pounds for the following vehicle model years:

- (A) Effective January 1, 2020, vehicle model years 2004 and older.
- (B) Effective January 1, 2021, vehicle model years 2007 and older.
- (C) Effective January 1, 2023, vehicle model years 2010 and older.

(2) The department shall refuse registration, or renewal or transfer of registration, for a diesel-fueled vehicle with a gross vehicle weight rating of more than 26,000 pounds for the following vehicle model years:

- (A) Effective January 1, 2020, vehicle model years 2000 and older.
- (B) Effective January 1, 2021, vehicle model years 2005 and older.
- (C) Effective January 1, 2022, vehicle model years 2007 and older.
- (D) Effective January 1, 2023, vehicle model years 2010 and older.

(c) (1) As determined by the State Air Resources Board, notwithstanding effective dates and vehicle model years identified in subdivision (b), the department may allow registration, or renewal or transfer of registration, for a diesel-fueled vehicle that has been reported to the State Air Resources Board, and is using an approved exemption, or is compliant with applicable air pollution control technology requirements pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code and regulations of the State Air Resources Board adopted pursuant to that division, including vehicles equipped with the required model year emissions equivalent engine or otherwise using an approved compliance option.

(2) The State Air Resources Board shall notify the department of the vehicles allowed to be registered pursuant to this subdivision.

SEC. 46. Section 4156 of the Vehicle Code is amended to read:

4156. (a) Notwithstanding any other provision of this code, and except as provided in subdivision (b), the department in its discretion may issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by, and paid to the department, by the owner or other person in lawful possession of the vehicle. The permit shall be subject to the terms and conditions, and shall be valid for the period of time, that the department shall deem appropriate under the circumstances.

(b) (1) The department shall not issue a temporary permit pursuant to subdivision (a) to operate a vehicle for which a certificate of compliance is required pursuant to Section 4000.3, and for which that certificate of compliance has not been issued, unless the department is presented with sufficient evidence, as determined by the department, that the vehicle has failed its most recent smog check inspection.

(2) Only one temporary permit may be issued pursuant to this subdivision to a vehicle owner in a two-year period.

(3) A temporary permit issued pursuant to paragraph (1) is valid for either 60 days after the expiration of the registration of the vehicle or 60 days after

the date that vehicle is removed from nonoperation, whichever is applicable at the time that the temporary permit is issued.

(4) A temporary permit issued pursuant to paragraph (1) is subject to Section 9257.5.

(c) (1) The department may issue a temporary permit pursuant to subdivision (a) to operate a vehicle for which registration may be refused pursuant to Section 4000.15.

(2) Only one temporary permit may be issued pursuant to this subdivision for any vehicle, unless otherwise approved by the State Air Resources Board.

(3) A temporary permit issued pursuant to paragraph (1) is valid for either 90 days after the expiration of the registration of the vehicle or 90 days after the date that vehicle is removed from nonoperation, whichever is applicable at the time the temporary permit is issued.

(4) A temporary permit issued pursuant to paragraph (1) is subject to Section 9257.5.

SEC. 47. Section 9250.6 is added to the Vehicle Code, to read:

9250.6. (a) In addition to any other fees specified in this code, or the Revenue and Taxation Code, commencing July 1, 2020, a road improvement fee of one hundred dollars (\$100) shall be paid to the department for registration or renewal of registration of every zero-emission motor vehicle model year 2020 and later subject to registration under this code, except those motor vehicles that are expressly exempted under this code from payment of registration fees.

(b) On January 1, 2021, and every January 1 thereafter, the Department of Motor Vehicles shall adjust the road improvement fee imposed under subdivision (a) by increasing the fee in an amount equal to the increase in the California Consumer Price Index for the prior year, except the first adjustment shall cover the prior six months, as calculated by the Department of Finance, with amounts equal to or greater than fifty cents (\$0.50) rounded to the highest whole dollar. The incremental change shall be added to the associated fee rate for that year.

(c) Any changes to the road improvement fee imposed by subdivision (a) that are enacted by legislation subsequent to July 1, 2017, shall be deemed to be changes to the base fee rate for purposes of the California Consumer Price Index calculation and adjustment performed pursuant to subdivision (b).

(d) Revenues from the road improvement fee, after deduction of the department's administrative costs related to this section, shall be deposited in the Road Maintenance and Rehabilitation Account created pursuant to Section 2031 of the Streets and Highways Code.

(e) This section does not apply to a commercial motor vehicle subject to Section 9400.1.

(f) The road improvement fee required pursuant to this section does not apply to the initial registration after the purchase of a new zero-emission motor vehicle.

(g) For purposes of this section, "zero-emission motor vehicle" means a motor vehicle as described in subdivision (d) of Section 44258 of the

Health and Safety Code, or any other motor vehicle that is able to operate on any fuel other than gasoline or diesel fuel.

SEC. 48. (a) On or before January 1, 2019, the Institute for Transportation Studies at the University of California, Davis is requested to prepare and submit to the Governor and the Legislature a report that makes recommendations on potential methodologies to raise revenue from zero-emission and low-emission vehicle owners to achieve the state's transportation electrification, clean air, and climate targets established under law while also ensuring those vehicle owners pay their fair share of any costs borne by motorists to fund improvements to the transportation system.

(b) The report shall examine all fees, taxes, and incentives for zero- and low-emission vehicles, and other vehicles, and shall make recommendations for options that ensure the purchase and ownership of zero- and low-emission vehicles are properly incentivized to assist in meeting state clean air and climate targets, while also ensuring appropriate levels of funding for roads and transportation.

(c) The study shall assess annual fees on zero-emission vehicles or other vehicles not otherwise subject to state fuel excise or use taxes and compare that to the average annual state fuel excise tax assessed on gasoline or diesel vehicles with equivalent fuel economy.

(d) The Institute shall consult with the State Air Resources Board, the Department of Transportation, the Department of Motor Vehicles, and the State Board of Equalization in preparing the report.

(e) This report shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 49. Guidelines adopted to implement transportation programs in this act by the California Transportation Commission, the Department of Transportation, the Transportation Agency, or any other state agency shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 50. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide additional funding for road maintenance and rehabilitation purposes as quickly as possible, it is necessary for this act to take effect immediately.

AMENDED IN SENATE MAY 11, 2017

AMENDED IN SENATE MAY 3, 2017

AMENDED IN SENATE APRIL 17, 2017

AMENDED IN SENATE MARCH 27, 2017

AMENDED IN SENATE MARCH 20, 2017

## SENATE BILL

**No. 65**

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### Introduced by Senator Hill

(Principal coauthor: Assembly Member Low coauthors: Assembly Members Low and Lackey)

December 29, 2016

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An act to amend Sections 23220 and 23221 of the Vehicle Code, relating to vehicles.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 65, as amended, Hill. Vehicles: alcohol and marijuana: penalties.

Existing law makes it an infraction to drink any alcoholic beverage while driving a motor vehicle upon any highway or on other specified lands. Existing law also prohibits a driver or passenger from drinking any alcoholic beverage while in a motor vehicle upon a highway, and makes a violation of this provision punishable as an infraction.

This bill would instead make drinking an alcoholic beverage or smoking or ingesting marijuana or any marijuana product while driving, or while riding as a passenger in, a motor vehicle being driven upon a highway or upon specified lands punishable as an infraction. ~~The bill would authorize a court to order a defendant to attend and complete a state-licensed driving-under-the-influence program in addition to those penalties.~~

By expanding the scope of ~~and penalties for~~ existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23220 of the Vehicle Code is amended  
2 to read:

3 23220. (a) A person shall not drink any alcoholic beverage or  
4 smoke or ingest marijuana or any marijuana product while driving  
5 a motor vehicle on any lands described in subdivision (c).

6 (b) A person shall not drink any alcoholic beverage or smoke  
7 or ingest marijuana or any marijuana product while riding as a  
8 passenger in any motor vehicle being driven on any lands described  
9 in subdivision (c).

10 (c) As used in this section, “lands” means those lands to which  
11 the Chappie-Z’berg Off-Highway Motor Vehicle Law of 1971  
12 (Division 16.5 (commencing with Section 38000)) applies as to  
13 off-highway motor vehicles, as described in Section 38001.

14 (d) ~~(4)~~ A violation of subdivision (a) or (b) shall be punished  
15 as an infraction.

16 ~~(e) In addition to the penalties specified in this section, the court~~  
17 ~~may, in its discretion, order the defendant to attend and complete~~  
18 ~~a state-licensed driving-under-the-influence program.~~

19 SEC. 2. Section 23221 of the Vehicle Code is amended to read:

20 23221. (a) A driver shall not drink any alcoholic beverage or  
21 smoke or ingest marijuana or any marijuana product while driving  
22 a motor vehicle upon a highway.

23 (b) A passenger shall not drink any alcoholic beverage or smoke  
24 or ingest marijuana or any marijuana product while in a motor  
25 vehicle being driven upon a highway.

26 (c) A violation of this section shall be punished as an infraction.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**Heading—Line 2.**

AMENDED IN SENATE JUNE 15, 2017

**SENATE BILL**

**No. 159**

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**Introduced by Senator Allen**

January 19, 2017

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An act to ~~amend Section 8753 of the Government Code, relating to art.~~ amend Section 38225 of the Vehicle Code, relating to off-highway vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 159, as amended, Allen. ~~Arts Council. Off-highway vehicles.~~

*Existing law generally imposes a service fee of \$7 for the issuance or renewal of identification of off-highway motor vehicles subject to identification, and a special fee of \$33 paid at the time of payment of the service fee. Existing law requires the special fees, specified use fees for state vehicular recreation areas, and other specified funds to be deposited in the Off-Highway Vehicle Trust Fund, and requires moneys in the fund, upon appropriation, to be allocated for specified purposes related to off-highway recreation. These provisions are to be repealed on January 1, 2018.*

*This bill would extend the operation of these provisions until January 1, 2023, if certain conditions are met.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~The Dixon-Zenovich-Maddy California Arts Act of 1975 establishes the Arts Council, consisting of 11 appointed members. The act specifies the duties of the council, including providing for the exhibition of art works in public buildings throughout California.~~



~~This bill would additionally require the Arts Council to encourage the public exhibition of art works in both public and private spaces throughout California.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 38225 of the Vehicle Code is amended to*  
2     *read:*

3     38225. (a) A service fee of seven dollars (\$7) shall be paid to  
4     the department for the issuance or renewal of identification of  
5     off-highway motor vehicles subject to identification, except as  
6     expressly exempted under this division.

7     (b) In addition to the service fee required by subdivision (a), a  
8     special fee of thirty-three dollars (\$33) shall be paid at the time of  
9     payment of the service fee for the issuance or renewal of an  
10    identification plate or device.

11    (c) All money transferred pursuant to Section 8352.6 of the  
12    Revenue and Taxation Code, all fees received by the department  
13    pursuant to subdivision (b), and all day use, overnight use, or  
14    annual or biennial use fees for state vehicular recreation areas  
15    received by the Department of Parks and Recreation shall be  
16    deposited in the Off-Highway Vehicle Trust Fund, which is hereby  
17    created. There shall be a separate reporting of special fee revenues  
18    by vehicle type, including four-wheeled vehicles, all-terrain  
19    vehicles, motorcycles, and snowmobiles. All money shall be  
20    deposited in the fund, and, upon appropriation by the Legislature,  
21    shall be allocated according to Section 5090.61 of the Public  
22    Resources Code.

23    (d) Any money temporarily transferred by the Legislature from  
24    the Off-Highway Vehicle Trust Fund to the General Fund shall be  
25    reimbursed, without interest, by the Legislature within two fiscal  
26    years of the transfer.

27    ~~(e) This section shall remain in effect only until January 1, 2018,~~  
28    ~~and as of that date is repealed, unless a later enacted statute, that~~  
29    ~~is enacted before January 1, 2018, deletes or extends that date.~~  
30    ~~Any unencumbered funds remaining in the Off-Highway Vehicle~~  
31    ~~Trust Fund on January 1, 2018, shall be transferred to the General~~  
32    ~~Fund.~~

1 (e) Any unencumbered funds remaining in the Off-Highway  
2 Vehicle Trust Fund on the date of repeal of this section pursuant  
3 to either subdivision (f) or (g) shall be transferred to the General  
4 Fund.

5 (f) This section shall remain in effect only until January 1, 2018,  
6 and as of that date is repealed.

7 (g) Notwithstanding subdivision (f), if a statute that is enacted  
8 before January 1, 2018, extends the operation of the Off-Highway  
9 Motor Vehicle Recreation Act of 2003 (Chapter 1.25 (commencing  
10 with Section 5090.01) of Division 5 of the Public Resources Code)  
11 until January 1, 2023, then this section shall remain in effect until  
12 January 1, 2023, and as of that date is repealed.

13 SEC. 2. This act is an urgency statute necessary for the  
14 immediate preservation of the public peace, health, or safety within  
15 the meaning of Article IV of the California Constitution and shall  
16 go into immediate effect. The facts constituting the necessity are:

17 In order to provide for the extension of the Off-Highway Motor  
18 Vehicle Program as quickly as possible, it is necessary for this act  
19 to take effect immediately.

20 SECTION 1. ~~Section 8753 of the Government Code is amended~~  
21 ~~to read:~~

22 ~~8753. The council shall:~~

23 ~~(a) Encourage artistic awareness, participation and expression.~~

24 ~~(b) Help independent local groups develop their own art~~  
25 ~~programs.~~

26 ~~(c) Promote the employment of artists and those skilled in crafts~~  
27 ~~in both the public and private sector.~~

28 ~~(d) Provide for the exhibition of art works in public buildings~~  
29 ~~and encourage the public exhibition of art works in both public~~  
30 ~~and private spaces throughout California.~~

31 ~~(e) Enlist the aid of all state agencies in the task of ensuring the~~  
32 ~~fullest expression of our artistic potential.~~

33 ~~(f) Adopt regulations in accordance with the provisions of the~~  
34 ~~Administrative Procedure Act necessary for proper execution of~~  
35 ~~the powers and duties granted to the council by this chapter.~~

36 ~~(g) Employ such administrative, technical, and other personnel~~  
37 ~~as may be necessary.~~

38 ~~(h) Fix the salaries of the personnel employed pursuant to this~~  
39 ~~chapter which salaries shall be fixed as nearly as possible to~~  
40 ~~conform to the salaries established by the State Personnel Board~~

1 for classes of positions in the state civil service involving  
2 comparable duties and responsibilities.

3 (i) ~~Appoint advisory committees whenever necessary. Members~~  
4 ~~of an advisory committee shall serve without compensation, but~~  
5 ~~each may be reimbursed for necessary traveling and other expenses~~  
6 ~~incurred in the performance of official duties.~~

7 (j) ~~Request and obtain from any department, division, board,~~  
8 ~~bureau, commission, or other agency of the state such assistance~~  
9 ~~and data as will enable it properly to carry on its power and duties.~~

10 (k) ~~Hold hearings, execute agreements, and perform any acts~~  
11 ~~necessary and proper to carry out the purposes of this chapter.~~

12 (l) ~~Accept federal grants, for any of the purposes of this chapter.~~

13 (m) ~~Accept only unrestricted gifts, donations, bequests, or grants~~  
14 ~~of funds from private sources and public agencies, for any of the~~  
15 ~~purposes of this chapter. However, the council shall give careful~~  
16 ~~consideration to any donor requests concerning specific~~  
17 ~~dispositions.~~

18 (n) ~~Establish grant application criteria and procedure.~~

19 (o) ~~Award prizes or direct grants to individuals or organizations~~  
20 ~~in accordance with such regulations as the council may prescribe.~~  
21 ~~In awarding prizes or directing grants, the council shall notify the~~  
22 ~~offices of the legislators in whose district the recipient resides.~~

AMENDED IN ASSEMBLY JULY 13, 2017

AMENDED IN ASSEMBLY JUNE 26, 2017

AMENDED IN SENATE MAY 26, 2017

**SENATE BILL**

**No. 249**

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**Introduced by Senator Allen**

February 7, 2017

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An act to amend Sections 5090.10, 5090.11, 5090.15, 5090.24, 5090.30, 5090.31, 5090.32, 5090.34, 5090.35, 5090.43, 5090.61, and 5090.70 of, and to add Sections 5090.13, 5090.14, and 5090.39 to, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 249, as amended, Allen. Off-highway motor vehicle recreation.

The Off-Highway Motor Vehicle Recreation Act of 2003 creates the Division of Off-Highway Motor Vehicle Recreation within the Department of Parks and Recreation. The act gives the division certain duties and responsibilities, including the planning, acquisition, development, conservation, and restoration of lands in state vehicular recreation areas. Existing law requires the division to develop and implement a grant and cooperative agreement program with other agencies funded from no more than  $\frac{1}{2}$  of the revenues in the Off-Highway Vehicle Trust Fund, with specified percentages of these revenues to be available, upon appropriation, for various purposes related to off-highway vehicles. Existing law requires the remaining revenues in the Off-Highway Vehicle Trust Fund to be available for the support of the division and for the planning, acquisition, development, construction, maintenance, administration, operation,

restoration, and conservation of lands in state vehicular recreation areas and certain other areas. The act is repealed on January 1, 2018.

This bill would revise and recast various provisions of the act. The bill would expand the duties of the division by requiring it to, among other things, (1) prepare and submit program and strategic planning reports to the department and the Natural Resources Agency regarding units of the state park system, as specified, (2) post on the department's Internet Web site all plans, reports, and studies related to off-highway vehicle recreation or otherwise developed pursuant to the act's provisions, as specified, (3) in consultation with specified bodies and departments, update the 2008 Soil Conservation Standard and Guidelines to establish a generic and measurable soil conservation standard by December 31, 2020, and review and, as appropriate, update that standard every 5 years thereafter, (4) implement a monitoring program, as defined, to evaluate the condition of soils, wildlife, and vegetation habitats in each state vehicular recreation area each year, as specified, and (5) identify and protect natural, cultural, and archaeological resources within state vehicular recreation areas. The bill would require the division to take other specified measures to protect natural and cultural ~~preserves~~ resources within state vehicular recreation areas, including measures to mitigate harmful impacts to these areas and to protect them from off-highway vehicle recreation use, as specified. The bill would require the division, through a public process, to develop protocols and practices, no later than July 1, 2019, to ensure certain requirements relating to the Off-Highway Motor Vehicle Recreation Program are met. The bill would establish specified procedures for the review of the protocols and practices by the department and would, by July 1, 2020, require the director to determine whether they meet the requirements of the act and to modify any aspects that are inadequate. The bill would change the repeal date for the act to January 1, 2023, thereby extending the act's provisions until that date.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5090.10 of the Public Resources Code
- 2 is amended to read:
- 3 5090.10. "Conservation" and "conserve" mean activities,
- 4 practices, and programs that protect and sustain soils, plants,

wildlife, habitats, and cultural resources in accordance with the standards adopted pursuant to Section 5090.35.

SEC. 2. Section 5090.11 of the Public Resources Code is amended to read:

5090.11. “Restoration” and “restore” mean, upon closure of the unit or any portion thereof, the restoration of land to the contours, the plant communities, and the plant covers comparable to those on surrounding lands or at least those that existed prior to off-highway motor vehicle use.

SEC. 3. Section 5090.13 is added to the Public Resources Code, to read:

5090.13. “Monitoring program” means a program adopted by the department that provides periodic evaluations of monitoring results to assess the adequacy of conservation and restoration actions to inform adaptive management strategies. A monitoring program includes, but is not limited to, all of the following at each individual system unit:

(a) Surveys to determine the status of natural and cultural resources.

(b) Periodic assessments of the effectiveness of protection and restoration measures currently in place.

(c) Progress reports on the implementation of conservation and restoration measures, the designation and management of sensitive areas with cultural and natural resources, and alternative management strategies.

(d) A schedule for conducting monitoring activities.

SEC. 4. Section 5090.14 is added to the Public Resources Code, to read:

5090.14. “Adaptive management” means to use the results of information gathered through a monitoring program or scientific research and regulatory standards to adjust management strategies and practices to ensure conservation and protection of natural and cultural resources.

SEC. 5. Section 5090.15 of the Public Resources Code is amended to read:

5090.15. (a) There is in the department the Off-Highway Motor Vehicle Recreation Commission, consisting of nine members, five of whom shall be appointed by the Governor and subject to Senate confirmation, two of whom shall be appointed by the Senate

1 Committee on Rules, and two of whom shall be appointed by the  
2 Speaker of the Assembly.

3 (b) Persons appointed to the commission shall have expertise,  
4 or work or volunteer experience, or both, in one or more of the  
5 following areas:

6 (1) Off-highway vehicle recreation.

7 (2) Biological or soil sciences.

8 (3) Practical experience with rural landownership and  
9 management.

10 (4) Law enforcement.

11 (5) Environmental and cultural resource protection or  
12 management.

13 (6) Nonmotorized outdoor recreation.

14 (c) It is the intent of the Legislature that appointees to the  
15 commission represent all of the primary qualifications delineated  
16 in paragraphs (1) to (6) of subdivision (b), inclusive, to the extent  
17 possible, at all times. It is further the intent of the Legislature that  
18 the commissioners reflect the geographic diversity of California  
19 as well as the diversity of all Californians, including, but not  
20 limited to, the special needs of Californians who participate in  
21 off-highway vehicular recreation pursuant to this chapter.

22 SEC. 6. Section 5090.24 of the Public Resources Code is  
23 amended to read:

24 5090.24. The commission has the following duties and  
25 responsibilities:

26 (a) Be fully informed regarding all governmental activities  
27 affecting the program.

28 (b) Meet at least four times per year at various locations  
29 throughout the state to receive comments on the implementation  
30 of the program. Establish an annual calendar of proposed meetings  
31 at the beginning of each calendar year. The meetings shall include  
32 a public meeting, before the beginning of each grant program cycle,  
33 to collect public input concerning the program, recommendations  
34 for program improvements, and specific project needs for the  
35 system.

36 (c) Hold a public hearing to receive public comment regarding  
37 any proposed substantial acquisition or development project at a  
38 location in close geographic proximity to the project, unless a  
39 hearing consistent with federal law or regulation has already been  
40 held regarding the project.

1 (d) Consider, upon the request of any owner or tenant, whose  
2 property is in the vicinity of any land in the system, any alleged  
3 adverse impacts occurring on that person's property from the  
4 operation of off-highway motor vehicles and recommend to the  
5 division suitable measures for the prevention of any adverse impact  
6 determined by the commission to be occurring, and suitable  
7 measures for the restoration of adversely impacted property.

8 (e) Review and comment annually to the director on the  
9 proposed budget of expenditures from the fund.

10 (f) Review and comment on all plans for new and expanded  
11 local and regional vehicle recreation areas that have applied for  
12 grant funds.

13 (g) Review and comment on strategic plans periodically  
14 developed by the division.

15 (h) Prepare and submit a program report to the Governor and  
16 the appropriate policy and fiscal committees of each house of the  
17 Legislature on or before January 1, ~~2022~~ 2024. The report shall  
18 be adopted by the commission after discussing the contents during  
19 two or more public meetings. One of the public meetings shall be  
20 held in northern California and one shall be held in southern  
21 California. The report shall address the status of the program and  
22 off-highway motor vehicle recreation, including all of the  
23 following:

24 (1) A summary of the process and protocols developed pursuant  
25 to subdivision (a) of Section 5090.39.

26 (2) The condition of natural and cultural resources of areas and  
27 trails receiving state off-highway motor vehicle funds and the  
28 resolution of conflicts of use in those areas and trails.

29 (3) The status and accomplishments of funds appropriated for  
30 restoration pursuant to paragraph (2) of subdivision (b) of Section  
31 5090.50.

32 (4) A summary of resource monitoring data compiled and  
33 restoration work completed.

34 (5) Actions taken by the division and department since the last  
35 program report to discourage and decrease trespass of off-highway  
36 motor vehicles on private property.

37 (6) Other relevant program-related environmental issues that  
38 have arisen since the last program report, including, but not limited  
39 to, conflicts with federal and state Endangered Species Acts, local  
40 air quality laws and regulations, federal Clean Water Act and



1 regional water board regulations or permits, and other  
2 environmental protection requirements.

3 (i) Make other recommendations to the deputy director regarding  
4 the off-highway motor vehicle recreation program.

5 SEC. 7. Section 5090.30 of the Public Resources Code is  
6 amended to read:

7 5090.30. There is in the department the Division of  
8 Off-Highway Motor Vehicle Recreation. Whenever any reference  
9 is made to the Office of Off-Highway Motor Vehicle Recreation,  
10 it shall be deemed to be a reference to, and to mean, the division.

11 SEC. 8. Section 5090.31 of the Public Resources Code is  
12 amended to read:

13 5090.31. The division shall be under the direction of a deputy  
14 director appointed by the director. The deputy director shall be  
15 part of the department's management team.

16 SEC. 9. Section 5090.32 of the Public Resources Code is  
17 amended to read:

18 5090.32. Under the general direction of the director, the  
19 division has the following duties and responsibilities:

20 (a) Planning, acquisition, development, conservation, and  
21 restoration of lands in the state vehicular recreation areas.

22 (b) Direct management, maintenance, administration, and  
23 operation of lands in the state vehicular recreation areas.

24 (c) Provide for law enforcement and appropriate public safety  
25 activities.

26 (d) Implementation of all aspects of the program.

27 (e) Ensure program compliance with the California  
28 Environmental Quality Act (Division 13 (commencing with Section  
29 21000)) in state vehicular recreation areas.

30 (f) Provide staff assistance to the commission.

31 (g) ~~Prepare, implement, and periodically update~~ *Prepare and*  
32 *implement* plans for lands in, or proposed to be included in, state  
33 vehicular recreation areas, including new state vehicular recreation  
34 areas. However, a plan ~~need~~ *shall* not be prepared ~~or updated~~ in  
35 any instance specified in subdivision (c) of Section 5002.2. ~~For~~  
36 ~~purposes of subdivision (c) of Section 5002.2 and this subdivision,~~  
37 ~~unauthorized or otherwise unintended off-highway trails that were~~  
38 ~~not created for the purpose of emergency repair or restoration work~~  
39 ~~authorized by the division, or expansion areas shall not be~~  
40 ~~considered an existing facility or use.~~

1 (h) Conduct, or cause to be conducted, surveys, and prepare, or  
2 cause to be prepared, studies that are necessary or desirable for  
3 implementing the program.

4 (i) Recruit and utilize volunteers to further the objectives of the  
5 program.

6 (j) Prepare and coordinate safety and education programs.

7 (k) Provide for the enforcement of Division 16.5 (commencing  
8 with Section 38000) of the Vehicle Code and other laws regulating  
9 the use or equipment of off-highway motor vehicles in all areas  
10 acquired, maintained, or operated by funds from the fund; however,  
11 the Department of the California Highway Patrol shall have  
12 responsibility for enforcement on highways.

13 (l) Ensure protection of natural and cultural resources, including  
14 by setting unit capacity limits pursuant to Sections 5001.96 and  
15 5019.5.

16 (m) Prepare and submit program and strategic planning reports  
17 to the department and the Natural Resources Agency, including  
18 annually reporting the number and type of injuries and accidents  
19 and the number and type of citations and other enforcement actions  
20 taken at system units, disaggregated by individual unit.

21 (n) Post on the department's Internet Web site all plans, reports,  
22 and studies related to off-highway vehicle recreation or otherwise  
23 developed pursuant to this chapter, including those regarding  
24 conservation, restoration, monitoring, and adaptive management  
25 of system units, disaggregated by individual unit.

26 (o) Report on any closure implemented pursuant to Section  
27 5090.35 at the next commission meeting following the closure.

28 (p) Complete other duties as determined by the director.

29 SEC. 10. Section 5090.34 of the Public Resources Code is  
30 amended to read:

31 5090.34. (a) In cooperation with the commission, the division  
32 shall make available on the division's Internet Web site information  
33 regarding off-highway motor vehicle recreation opportunities,  
34 pertinent laws and regulations, and responsible use of the system.  
35 ~~At a minimum,~~ *Where practical,* the Internet Web site shall include  
36 the following:

37 (1) The text of laws and regulations relating to the program and  
38 operation of off-highway vehicles.

39 (2) A statewide map and regional maps of federal, state, and  
40 local off-highway vehicle recreation areas and facilities in the

1 state, including links to maps of federal off-highway vehicle routes  
2 resulting from the route designation process.

3 (3) Information concerning safety, education, and trail etiquette.

4 (4) Information to prevent trespass, damage to public and private  
5 property, and damage to natural resources, including penalties and  
6 liability associated with trespass and damage caused.

7 (b) The division shall create, and update when appropriate, a  
8 guidebook of federal, state, and local off-highway vehicle  
9 recreation opportunities that includes information where current  
10 specific maps and information for each facility can be located.  
11 Contact information shall be provided and shall include available  
12 Internet Web site addresses, telephone numbers, and addresses of  
13 offices where maps can be accessed. The guidebook shall also  
14 include the address of the Internet Web site where the information  
15 in subdivision (a) may be found. The division may publish the  
16 guidebook when funds are provided in the annual budget process.

17 SEC. 11. Section 5090.35 of the Public Resources Code is  
18 amended to read:

19 5090.35. (a) The protection of public safety, the appropriate  
20 utilization of lands, and the conservation of ~~natural and cultural~~  
21 resources are of the highest priority in the management of the state  
22 vehicular recreation areas and ~~other areas in the system, when~~  
23 *providing grant funding to agencies responsible for portions of*  
24 *the system*, as defined in Section 5090.09. Accordingly, the division  
25 shall promptly repair and continuously maintain areas and trails,  
26 anticipate and prevent erosion and other impacts, and restore lands  
27 damaged by erosion and other impacts. The division shall take  
28 steps necessary to prevent damage to natural and cultural resources  
29 in these areas. When damage occurs in any portion of a state  
30 vehicular recreation area that is inconsistent with natural and  
31 cultural resources protection plans or this section, the division shall  
32 undertake protective and restoration measures which may include  
33 closure. Any area or portion of an area that is closed shall remain  
34 closed until it is repaired and effective adaptive management  
35 measures are implemented to prevent repeated or continuous  
36 damage.

37 (b) (1) The division, in consultation with the United States  
38 Natural Resource Conservation Service, the United States  
39 Geological Survey, the United States Forest Service, the United  
40 States Bureau of Land Management, ~~the United States Fish and~~

1 ~~Wildlife Service, the California~~ *the* Department of Fish and  
2 Wildlife, and the ~~California~~ Department of Conservation shall  
3 update the 2008 Soil Conservation Standard and Guidelines to  
4 establish a generic and measurable soil conservation standard by  
5 December 31, 2020, and shall review and, as appropriate, update  
6 the standard at least every five years thereafter.

7 (2) If the division determines that the soil conservation standards  
8 and habitat protection plans are not being met in any portion of  
9 any state vehicular recreation area, the division shall temporarily  
10 close the noncompliant portion to repair and prevent erosion, until  
11 the soil conservation standards are met pursuant to subdivision  
12 (a).

13 (3) If the division determines that the soil conservation standards  
14 cannot be met in any portion of any state vehicular recreation area,  
15 the division shall close and restore the noncompliant portion  
16 pursuant to Section 5090.11.

17 (c) (1) In consultation with the Department of Fish and Wildlife,  
18 by December 31, 2020, the division shall compile, and update at  
19 least every five years thereafter, an inventory of wildlife and native  
20 plant populations, including wildlife habitats and vegetation  
21 communities in each state vehicular recreation area and shall  
22 prepare a wildlife habitat protection plan to conserve a viable  
23 species composition specific to each state vehicular recreation  
24 area.

25 (2) If the division determines that the wildlife habitat protection  
26 plan is not being met in any portion of any state vehicular  
27 recreation area, the division shall close the noncompliant portion  
28 temporarily until the wildlife habitat protection plan is met pursuant  
29 to subdivision (a).

30 (3) If the division determines that the wildlife habitat protection  
31 plan cannot be met in any portion of any state vehicular recreation  
32 area, the division shall close and restore the noncompliant portion  
33 pursuant to Section 5090.11.

34 (d) The division shall implement a monitoring program to  
35 evaluate the condition of soils, wildlife, and vegetation habitats in  
36 each state vehicular recreation area each year in order to determine  
37 whether the soil conservation standards and wildlife habitat  
38 protection plans are being met.

39 (e) The division shall not fund trail construction unless the trail  
40 is capable of complying with the conservation specifications

1 prescribed in this section. The division shall not fund trail  
2 construction where conservation is not feasible.

3 (f) The division shall identify and protect natural, cultural, and  
4 archaeological resources within the state vehicular recreation areas.

5 SEC. 12. Section 5090.39 is added to the Public Resources  
6 Code, to read:

7 5090.39. (a) The division shall ensure that the program meets  
8 the requirements of this chapter. No later than July 1, 2019, the  
9 division shall, through a public process, develop protocols and  
10 practices to ensure all of the following:

11 (1) Soil conservation standards and measures are adequate to  
12 minimize erosion damage.

13 (2) Wildlife and habitat assessment and inventory methodologies  
14 incorporate the best available science.

15 (3) Soil conservation and habitat protection standards are capable  
16 of protecting, conserving, and restoring natural and cultural  
17 resources, including sensitive species.

18 (4) Monitoring and evaluation efforts comply with this chapter,  
19 and adaptive management practices address reasonable foreseen  
20 and unanticipated circumstances that may occur at units of the  
21 system.

22 (5) Management plans and soil conservation and wildlife habitat  
23 protection plans are consistent with other relevant resource  
24 protection plans, including, but not limited to, the state wildlife  
25 action plan, natural community conservation plans, regional  
26 conservation investment strategies, and wildlife corridor plans.  
27 Management plans and soil conservation and wildlife habitat  
28 protection plans shall appropriately consider regional land use and  
29 resource conservation plans prepared by a local agency pursuant  
30 to state law.

31 (6) The acquisition of land intended for off-highway motor  
32 vehicle use, to the maximum extent feasible, avoids lands on which  
33 motorized recreation would be inconsistent with this chapter.

34 (b) As part of the public process referenced in subdivision (a),  
35 the division shall conduct at least two public workshops, one in  
36 northern California and one in southern California. Thirty days  
37 prior to the workshop dates, the workshops shall be noticed on  
38 both the department's and the commission's Internet Web sites.

39 (c) Not later than January 1, 2020, the department shall complete  
40 a review of the practices and protocols developed pursuant to

1 subdivision (a). The director shall solicit and consider comments  
2 and recommendations from the public, scientists with expertise in  
3 related fields of investigation, and others. By July 1, 2020, the  
4 director shall either determine in writing that the protocols and  
5 practices are adequate to meet the requirements of this chapter or  
6 the director shall modify any aspects of the protocols and practices  
7 that are inadequate.

8 (d) The director shall ensure that Section 5090.35 is  
9 implemented consistent with ~~the practices and protocols.~~ *this*  
10 *chapter.*

11 SEC. 13. Section 5090.43 of the Public Resources Code is  
12 amended to read:

13 5090.43. (a) State vehicular recreation areas may be established  
14 on lands where there are quality opportunities for off-highway  
15 motor vehicle recreation and shall be managed in accordance with  
16 the requirements of this chapter. Areas may be developed,  
17 managed, and operated for the purpose of providing appropriate  
18 public use of the outdoor recreational opportunities present while  
19 protecting natural and cultural resources.

20 (b) Lands for state vehicular recreation areas shall be selected  
21 for acquisition so as to minimize the need for establishing sensitive  
22 areas to protect natural and cultural resources.

23 (c) All unavoidable impacts to natural or cultural resources in  
24 new, expanded, and existing state vehicular recreation areas shall  
25 be ~~fully~~ mitigated by implementing appropriate mitigation  
26 measures, including permanently protecting lands that provide  
27 comparable natural and cultural resources and values. State  
28 vehicular recreation areas shall *fully* incorporate all mitigation and  
29 ~~permit recommendations or~~ requirements of the Department of  
30 Fish and Wildlife, the United States Fish and Wildlife Service,  
31 and all other responsible or trustee agencies.

32 (d) The department shall manage, or collaborate with another  
33 public entity or nonprofit organization to manage lands acquired  
34 for state vehicular recreation areas that are determined to not be  
35 appropriate for off-highway vehicle recreation. These lands shall  
36 be managed for park purposes, open space purposes, or  
37 conservation purposes. The department may dispose of, consistent  
38 with applicable provisions of law, lands acquired for state vehicular  
39 recreation areas that are determined to not be appropriate for  
40 off-highway vehicle recreation. If lands are sold, any revenue that

1 results from the sale shall be reverted back to the fund originally  
2 used to purchase the lands.

3 (e) After January 1, 1988, no new cultural or natural preserves  
4 or state wildernesses shall be established within state vehicular  
5 recreation areas. To ensure consistent protection of natural and  
6 cultural resources across all state parks, including state vehicular  
7 recreation areas, sensitive areas shall be established within state  
8 vehicular recreation areas where determined by the division to be  
9 necessary to protect natural and cultural resources. These sensitive  
10 areas shall be managed by the division in accordance with Sections  
11 5019.65, 5019.71, and 5019.74, which define the purpose and  
12 management of natural and cultural preserves. The division shall  
13 not create designations, other than sensitive areas, for lands  
14 containing natural or cultural values that the division determines  
15 need protection.

16 (f) If off-highway motor vehicle use results in damage to any  
17 natural or cultural values or damage within sensitive areas,  
18 appropriate measures shall be promptly taken to protect these lands  
19 from any further damage. These measures shall include restoration  
20 of damaged lands and resources and measures to prevent future  
21 damage, which may include the erection of physical barriers.

22 SEC. 14. Section 5090.61 of the Public Resources Code is  
23 amended to read:

24 5090.61. Moneys in the fund shall be available, upon  
25 appropriation by the Legislature, as follows:

26 (a) An amount, not to exceed 50 percent of the annual revenues  
27 to the fund, shall be available for grants and cooperative agreements  
28 pursuant to Article 5 (commencing with Section 5090.50).

29 (b) (1) The remainder of the annual revenues to the fund shall  
30 be available for the support of the division in implementing the  
31 off-highway motor vehicle recreation program and for the planning,  
32 acquisition, development, mitigation, construction, maintenance,  
33 administration, operation, restoration, and conservation of lands  
34 in the system.

35 (2) As used in this subdivision, “support of the division”  
36 includes functions performed outside of the division by others on  
37 behalf of the division, including a prorated share of the  
38 department’s common overhead and other costs incurred on behalf  
39 of the division for personnel management and training, accounting,  
40 and fiscal analysis, records, purchasing, public information

1 activities, consultation of professional scientists and reclamation  
2 experts for the purposes of Section 5090.35, and legal services.

3 SEC. 15. Section 5090.70 of the Public Resources Code is  
4 amended to read:

5 5090.70. This chapter shall remain in effect only until January  
6 1, 2023, and as of that date is repealed, unless a later enacted statute  
7 that is enacted before January 1, 2023, deletes or extends that date.

O



AMENDED IN ASSEMBLY MAY 26, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 382**

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**Introduced by Assembly Member Voepel**  
**(Coauthors: Assembly Members Brough, Gallagher, Harper,**  
**Lackey, Mathis, Mayes, Patterson, Steinorth, Waldron, Acosta,**  
**and Chen)**

(Coauthors: Senators Anderson, Bates, Berryhill, Nielsen, Wilk, and  
Vidak)

February 9, 2017

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An act to amend Section 8352.6 of the Revenue and Taxation Code,  
relating to fuel taxes.

LEGISLATIVE COUNSEL'S DIGEST

AB 382, as amended, Voepel. Fuel taxes: *State Parks and Recreation Fund*: Off-Highway Vehicle Trust Fund.

Existing law imposes an excise tax on motor vehicle fuel (gasoline). Existing law, as a result of the elimination of the sales tax on gasoline effective July 1, 2010, provides for a commensurate increase in the excise tax on gasoline. These taxes are deposited to the Motor Vehicle Fuel Account in the Transportation Tax Fund. Existing law requires certain a portion of the moneys attributable to taxes imposed upon distribution of the excise tax on gasoline related to specified off-highway motor vehicles and off-highway vehicle activities to be transferred monthly from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund. Existing law, however, transfers, with respect to the increase in gasoline excise taxes as a result of the elimination of the sales tax on gasoline, to the General Fund the revenues attributable to off-highway vehicles that would otherwise be deposited in the

~~Off-Highway Vehicle Trust Fund. Existing law also requires the Controller to withhold \$833,000 from the monthly transfer, and transfer that amount to the General Fund. The moneys in the Off-Highway Vehicle Trust Fund are required to be used, upon appropriation, for specified purposes related to off-highway motor vehicle recreation. Fund, and, commencing November 1, 2017, requires the portion of those moneys from a \$0.12 per gallon increase, and future inflation adjustments from that increase, to be transferred to the State Parks and Recreation Fund, to be used for state parks, off-highway vehicle programs, or boating programs.~~

~~This bill would, on June 30, 2018, eliminate the requirement that the Controller withhold \$833,000 from the monthly transfer and transfer it to the General Fund and would thereby transfer this amount monthly to the Off-Highway Vehicle Trust Fund. would provide that in the 2017–18 fiscal year up to \$1,000,000 of the revenues transferred to the State Parks and Recreation Fund may be transferred to the Off-Highway Vehicle Trust Fund to be available for specified purposes and would express the intent of the Legislature to make this transfer in the Budget Act of 2017.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *It is the intent of the Legislature to make the*  
 2     *transfer described in subparagraph (C) of paragraph (2) of*  
 3     *subdivision (a) of Section 8352.6 of the Revenue and Taxation*  
 4     *Code in the Budget Act of 2017.*  
 5     SEC. 2. *Section 8352.6 of the Revenue and Taxation Code is*  
 6     *amended to read:*  
 7     8352.6. (a) (1) Subject to Section 8352.1, and except as  
 8     otherwise provided in paragraphs (2) and (3), on the first day of  
 9     every month, there shall be transferred from moneys deposited to  
 10    the credit of the Motor Vehicle Fuel Account to the Off-Highway  
 11    Vehicle Trust Fund created by Section 38225 of the Vehicle Code  
 12    an amount attributable to taxes imposed upon distributions of motor  
 13    vehicle fuel used in the operation of motor vehicles off highway  
 14    and for which a refund has not been claimed. Transfers made  
 15    pursuant to this section shall be made prior to transfers pursuant  
 16    to Section 8352.2.

1 (2) (A) Commencing July 1, 2012, the revenues attributable to  
2 the taxes imposed pursuant to subdivision (b) of Section 7360 and  
3 otherwise to be deposited in the Off-Highway Vehicle Trust Fund  
4 pursuant to paragraph (1) shall instead be transferred to the General  
5 Fund.

6 (B) Commencing November 1, 2017, the revenues attributable  
7 to the taxes imposed pursuant to subdivision (c) of Section 7360,  
8 any adjustment pursuant to subdivision (d) of Section 7360, and  
9 Section 7361.2, and otherwise to be deposited in the Off-Highway  
10 Vehicle Trust Fund pursuant to subdivision (a), shall instead be  
11 transferred to the State Parks and Recreation Fund to be used for  
12 state parks, off-highway vehicle programs, or boating programs.

13 (C) *In the 2017–18 fiscal year, up to one million dollars*  
14 *(\$1,000,000) of the revenues described in subparagraph (B) may*  
15 *be transferred to the Off-Highway Vehicle Trust Fund to be*  
16 *available for local assistance grants for law enforcement,*  
17 *environmental monitoring, and maintenance grants supporting*  
18 *federal off-highway vehicle recreation.*

19 (3) The Controller shall withhold eight hundred thirty-three  
20 thousand dollars (\$833,000) from the monthly transfer to the  
21 Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and  
22 transfer that amount to the General Fund.

23 (b) The amount transferred to the Off-Highway Vehicle Trust  
24 Fund pursuant to paragraph (1) of subdivision (a), as a percentage  
25 of the Motor Vehicle Fuel Account, shall be equal to the percentage  
26 transferred in the 2006–07 fiscal year. Every five years, starting  
27 in the 2013–14 fiscal year, the percentage transferred may be  
28 adjusted by the Department of Transportation in cooperation with  
29 the Department of Parks and Recreation and the Department of  
30 Motor Vehicles. Adjustments shall be based on, but not limited  
31 to, the changes in the following factors since the 2006–07 fiscal  
32 year or the last adjustment, whichever is more recent:

33 (1) The number of vehicles registered as off-highway motor  
34 vehicles as required by Division 16.5 (commencing with Section  
35 38000) of the Vehicle Code.

36 (2) The number of registered street-legal vehicles that are  
37 anticipated to be used off highway, including four-wheel drive  
38 vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

39 (3) Attendance at the state vehicular recreation areas.

(4) Off-highway recreation use on federal lands as indicated by the United States Forest Service's National Visitor Use Monitoring and the United States Bureau of Land Management's Recreation Management Information System.

(c) It is the intent of the Legislature that transfers from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund should reflect the full range of motorized vehicle use off highway for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

(e) In the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, shall undertake a study to determine the appropriate adjustment to the amount transferred pursuant to subdivision (b) and to update the estimate of the amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. The department shall provide a copy of this study to the Legislature no later than January 1, 2016.

~~SECTION 1. Section 8352.6 of the Revenue and Taxation Code is amended to read:~~

~~8352.6. (a) (1) Subject to Section 8352.1, and except as otherwise provided in paragraphs (2) and (3), on the first day of every month, there shall be transferred from moneys deposited to~~

1 the credit of the Motor Vehicle Fuel Account to the Off-Highway  
2 Vehicle Trust Fund created by Section 38225 of the Vehicle Code  
3 an amount attributable to taxes imposed upon distributions of motor  
4 vehicle fuel used in the operation of motor vehicles off highway  
5 and for which a refund has not been claimed. Transfers made  
6 pursuant to this section shall be made before transfers pursuant to  
7 Section 8352.2.

8 (2) Commencing July 1, 2012, the revenues attributable to the  
9 taxes imposed pursuant to subdivision (b) of Section 7360 and  
10 Section 7361.1 and otherwise to be deposited in the Off-Highway  
11 Vehicle Trust Fund pursuant to paragraph (1) shall instead be  
12 transferred to the General Fund. The revenues attributable to the  
13 taxes imposed pursuant to subdivision (b) of Section 7360 and  
14 Section 7361.1 that were deposited in the Off-Highway Vehicle  
15 Trust Fund in the 2010-11 and 2011-12 fiscal years shall be  
16 transferred to the General Fund.

17 (3) Until June 30, 2018, the Controller shall withhold eight  
18 hundred thirty-three thousand dollars (\$833,000) from the monthly  
19 transfer to the Off-Highway Vehicle Trust Fund pursuant to  
20 paragraph (1), and transfer that amount to the General Fund.

21 (b) The amount transferred to the Off-Highway Vehicle Trust  
22 Fund pursuant to paragraph (1) of subdivision (a), as a percentage  
23 of the Motor Vehicle Fuel Account, shall be equal to the percentage  
24 transferred in the 2006-07 fiscal year. Every five years, starting  
25 in the 2013-14 fiscal year, the percentage transferred may be  
26 adjusted by the Department of Transportation in cooperation with  
27 the Department of Parks and Recreation and the Department of  
28 Motor Vehicles. Adjustments shall be based on, but not limited  
29 to, the changes in the following factors since the 2006-07 fiscal  
30 year or the last adjustment, whichever is more recent:

31 (1) The number of vehicles registered as off-highway motor  
32 vehicles as required by Division 16.5 (commencing with Section  
33 38000) of the Vehicle Code.

34 (2) The number of registered street-legal vehicles that are  
35 anticipated to be used off highway, including four-wheel drive  
36 vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

37 (3) Attendance at the state vehicular recreation areas.

38 (4) Off-highway recreation use on federal lands as indicated by  
39 the United States Forest Service's National Visitor Use Monitoring

1 and the United States Bureau of Land Management's Recreation  
2 Management Information System.

3 (e) ~~It is the intent of the Legislature that transfers from the Motor~~  
4 ~~Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund~~  
5 ~~should reflect the full range of motorized vehicle use off highway~~  
6 ~~for both motorized recreation and motorized off-road access to~~  
7 ~~other recreation opportunities. Therefore, the Legislature finds that~~  
8 ~~the fuel tax baseline established in subdivision (b), attributable to~~  
9 ~~off-highway estimates of use as of the 2006-07 fiscal year,~~  
10 ~~accounts for the three categories of vehicles that have been found~~  
11 ~~over the years to be users of fuel for off-highway motorized~~  
12 ~~recreation or motorized access to nonmotorized recreational~~  
13 ~~pursuits. These three categories are registered off-highway~~  
14 ~~motorized vehicles, registered street-legal motorized vehicles used~~  
15 ~~off highway, and unregistered off-highway motorized vehicles.~~

16 (d) ~~It is the intent of the Legislature that the off-highway motor~~  
17 ~~vehicle recreational use to be determined by the Department of~~  
18 ~~Transportation pursuant to paragraph (2) of subdivision (b) be that~~  
19 ~~usage by vehicles subject to registration under Division 3~~  
20 ~~(commencing with Section 4000) of the Vehicle Code, for~~  
21 ~~recreation or the pursuit of recreation on surfaces where the use~~  
22 ~~of vehicles registered under Division 16.5 (commencing with~~  
23 ~~Section 38000) of the Vehicle Code may occur.~~

24 (e) ~~In the 2014-15 fiscal year, the Department of Transportation,~~  
25 ~~in consultation with the Department of Parks and Recreation and~~  
26 ~~the Department of Motor Vehicles, shall undertake a study to~~  
27 ~~determine the appropriate adjustment to the amount transferred~~  
28 ~~pursuant to subdivision (b) and to update the estimate of the amount~~  
29 ~~attributable to taxes imposed upon distributions of motor vehicle~~  
30 ~~fuel used in the operation of motor vehicles off highway and for~~  
31 ~~which a refund has not been claimed. The department shall provide~~  
32 ~~a copy of this study to the Legislature no later than January 1,~~  
33 ~~2016.~~

AMENDED IN SENATE JULY 3, 2017  
AMENDED IN ASSEMBLY APRIL 18, 2017  
AMENDED IN ASSEMBLY MARCH 22, 2017  
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 533**

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**Introduced by Assembly Member Holden**

February 13, 2017

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An act to amend Section ~~38316~~ 253.1 of the ~~Vehicle Streets and~~ *Highways Code*, relating to ~~off-highway motor vehicles~~ *highways*.

LEGISLATIVE COUNSEL'S DIGEST

AB 533, as amended, Holden. ~~Off-highway motor vehicles~~. *State Highway Route 710*.

*Existing law provides that the Department of Transportation has full possession and control of all state highways and associated property. Existing law designates and describes state highway routes, and also describes the state highway routes in the California freeway and expressway system, including all of Route 710 in the County of Los Angeles.*

*This bill would require the Department of Transportation, in consultation with the Los Angeles County Metropolitan Transportation Authority, to establish the State Route 710 North Advisory Committee, with a specified membership, to study the alternatives considered in the State Route 710 North Draft Environmental Impact Review and other transit options to improve travel in, and environmental impacts of, the State Route 710 North project area, along with alternatives not considered by the environmental review. The bill would require the advisory committee, by January 1, 2019, to make recommendations in*

*a report to the Legislature, the Department of Transportation, and the Los Angeles County Metropolitan Transportation Authority on the most appropriate and feasible alternative in the State Route 710 North project area that would promote smart and functional land use, reduce automobile dependency, encourage multimodal trips, improve traffic operations, and maximize the use of the latest available technologies to enhance the performance of the existing transportation system to minimize impacts of regional traffic on the communities along the State Route 710 corridor.*

*The bill would require the department to implement the alternative recommended by the advisory committee, if appropriate and feasible. The bill would limit the portion of Route 710 included in the California freeway and expressway system to the portion between Route 1 and Route 10.*

~~Existing law makes it a misdemeanor punishable by imprisonment in a county jail, as specified, or by a fine of not less than \$50 nor more than \$500, or by both that imprisonment and fine, to drive an off-highway motor vehicle with a willful and wanton disregard for the safety of other persons or property.~~

~~This bill would change the potential fine amount applicable to this offense to not less than \$145 nor more than \$500.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. (a) The Department of Transportation, in*
- 2     *consultation with the Los Angeles County Metropolitan*
- 3     *Transportation Authority, shall establish the State Route 710 North*
- 4     *Advisory Committee to study the alternatives considered in the*
- 5     *State Route 710 North Draft Environmental Impact Review and*
- 6     *other transit options to improve travel in, and environmental*
- 7     *impacts of, the State Route 710 North project area.*
- 8     *(b) The advisory committee shall consist of all of the following:*
- 9         *(1) Three representatives of the Department of Transportation.*
- 10        *(2) Two representatives of the Los Angeles County Metropolitan*
- 11        *Transportation Authority, appointed by the authority.*
- 12        *(3) Two representatives each from the City of Alhambra, the*
- 13        *City of Los Angeles City Council District 14, the City of Pasadena,*



1 *the City of South Pasadena, the City of Rosemead, and the City of*  
2 *San Marino, appointed by the applicable city.*

3 *(4) Three members of the Assembly that represent the State*  
4 *Route 710 North project area or their designees, appointed by the*  
5 *Speaker of the Assembly.*

6 *(5) Three members of the Senate that represent the State Route*  
7 *710 North project area or their designees, appointed by the Senate*  
8 *Committee on Rules.*

9 *(6) Two members from associations representing local*  
10 *construction trades.*

11 *(c) Participation on, and appointment of members to, the*  
12 *advisory committee by the Los Angeles County Metropolitan*  
13 *Transportation Authority and the cities shall be at the option of*  
14 *each local agency. Members of the advisory committee shall serve*  
15 *without compensation that is specific to serving on the committee.*  
16 *The Department of Transportation shall provide staff to the*  
17 *advisory committee.*

18 *(d) On or before January 1, 2019, the advisory committee shall*  
19 *make recommendations in a report to the Legislature, the*  
20 *Department of Transportation, and the Los Angeles County*  
21 *Metropolitan Transportation Authority on the most appropriate*  
22 *and feasible alternative for the State Route 710 North project area*  
23 *that would promote smart and functional land use, reduce*  
24 *automobile dependency, encourage multimodal trips, improve*  
25 *traffic operations, and maximize the use of the latest available*  
26 *technologies to enhance the performance of the existing*  
27 *transportation system to minimize impacts of regional traffic on*  
28 *the communities along the State Route 710 corridor. The committee*  
29 *shall consider development of open space, light rail options, and*  
30 *traffic calming options, and may consider alternatives not*  
31 *considered in the State Route 710 North Draft Environmental*  
32 *Impact Review. The report to the Legislature shall be submitted*  
33 *pursuant to Section 9795 of the Government Code.*

34 *(e) If appropriate and feasible, the Department of*  
35 *Transportation shall implement the alternative recommended by*  
36 *the advisory committee in its report submitted pursuant to*  
37 *subdivision (d) in a manner consistent with applicable laws.*

38 *SEC. 2. Section 253.1 of the Streets and Highways Code is*  
39 *amended to read:*

1 253.1. The California freeway and expressway system shall  
2 include:

3 Routes 5, 6, 7, 8, 10, 11, 14, 15, 18, 24, 28, 32, 34, 37, 40, 44,  
4 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68,  
5 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 93, 97, 100, 102,  
6 103, 105, 107, 108, 118, 121, 122, 124, 125, 126, 134, 136, 139,  
7 140, 145, 148, 149, 154, 156, 161, 163, 164, 179, 181, 183, 184,  
8 199, 205, 210, 215, 217, 221, 223, 230, 232, 234, 235, 237, 238,  
9 239, 241, 242, 247, 249, 251, 257, 258, 259, 261, 280, 330, 371,  
10 380, 405, 505, 580, 605, 680, ~~710~~, 780, 805, 880, and 980 in their  
11 entirety.

12 *The California freeway and expressway system shall also include*  
13 *Route 710 from Route 1 to Route 10.*

14 ~~SECTION 1. Section 38316 of the Vehicle Code is amended~~  
15 ~~to read:~~

16 ~~38316. (a) It is unlawful for a person to drive an off-highway~~  
17 ~~motor vehicle with a willful and wanton disregard for the safety~~  
18 ~~of other persons or property.~~

19 ~~(b) A person who violates this section shall, upon conviction~~  
20 ~~thereof, be punished by imprisonment in a county jail for not less~~  
21 ~~than five days nor more than 90 days or by a fine of not less than~~  
22 ~~one hundred forty-five dollars (\$145) nor more than five hundred~~  
23 ~~dollars (\$500), or by both that fine and imprisonment, except as~~  
24 ~~provided in Section 38317.~~

AMENDED IN ASSEMBLY APRIL 5, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1077**

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**Introduced by Assembly Member O'Donnell**  
**(Coauthors: Assembly Members Gallagher and Lackey)**  
**(Coauthor: Senator Anderson)**

February 16, 2017

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An act to ~~repeal Article 7 (commencing with Section 5090.70) of Chapter 1.25 of Division 5~~ *amend Section 5090.70* of the Public Resources Code, and to amend Section 38225 of the Vehicle Code, relating to off-highway vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1077, as amended, O'Donnell. Off-highway vehicles.

The Off-Highway Motor Vehicle Recreation Act of 2003 (act) provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails, establishes the Off-Highway Motor Vehicle Recreation Commission and the Division of Off-Highway Motor Vehicle Recreation within the Department of Motor Vehicles, and provides a grant program for, among other things, acquisition, administration, maintenance, and operation of areas and facilities associated with the use of off-highway motor vehicles. These provisions are to be repealed on January 1, 2018.

This bill would extend the operation of the act ~~indefinitely~~ *until January 1, 2019, unless a specified report is not received by the Legislature by January 1, 2018, in which case the act would be repealed on July 1, 2018.*

Existing law generally imposes a service fee of \$7 for the issuance or renewal of identification of off-highway motor vehicles subject to identification, and a special fee of \$33 paid at the time of payment of the service fee. Existing law requires the special fees, specified use fees for state vehicular recreation areas, and other specified funds to be deposited in the Off-Highway Vehicle Trust Fund, and requires moneys in the fund, upon appropriation, to be allocated for specified purposes related to off-highway recreation. These provisions are to be repealed on January 1, 2018.

This bill would extend the operation of these ~~provisions indefinitely~~ provisions, including the authorization for the special fee, until January 1, 2019, unless a specified report is not received by the Legislature by January 1, 2018, in which case the provisions would be repealed on July 1, 2018.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Article 7 (commencing with Section 5090.70) of~~  
2     ~~Chapter 1.25 of Division 5 of the Public Resources Code is~~  
3     ~~repealed.~~

4     ~~SECTION 1. Section 5090.70 of the Public Resources Code is~~  
5     ~~amended to read:~~

6     5090.70. (a) This chapter shall remain in effect only until  
7     January 1, ~~2018~~, 2019, and as of that date is repealed, unless a  
8     later enacted statute, that is enacted before January 1, ~~2018~~, 2019,  
9     deletes or extends that date.

10    (b) *Notwithstanding subdivision (a), if the report required*  
11    *pursuant to subdivision (e) of Section 8352.6 of the Revenue and*  
12    *Taxation Code is not received by the Legislature by January 1,*  
13    *2018, this section is repealed on July 1, 2018.*

14    SEC. 2. Section 38225 of the Vehicle Code is amended to read:

15    38225. (a) A service fee of seven dollars (\$7) shall be paid to  
16    the department for the issuance or renewal of identification of  
17    off-highway motor vehicles subject to identification, except as  
18    expressly exempted under this division.

1 (b) In addition to the service fee required by subdivision (a), a  
2 special fee of thirty-three dollars (\$33) shall be paid at the time of  
3 payment of the service fee for the issuance or renewal of an  
4 identification plate or device.

5 (c) All money transferred pursuant to Section 8352.6 of the  
6 Revenue and Taxation Code, all fees received by the department  
7 pursuant to subdivision (b), and all day use, overnight use, or  
8 annual or biennial use fees for state vehicular recreation areas  
9 received by the Department of Parks and Recreation shall be  
10 deposited in the Off-Highway Vehicle Trust Fund, which is hereby  
11 created. There shall be a separate reporting of special fee revenues  
12 by vehicle type, including four-wheeled vehicles, all-terrain  
13 vehicles, motorcycles, and snowmobiles. All money shall be  
14 deposited in the fund, and, upon appropriation by the Legislature,  
15 shall be allocated according to Section 5090.61 of the Public  
16 Resources Code.

17 (d) Any money temporarily transferred by the Legislature from  
18 the Off-Highway Vehicle Trust Fund to the General Fund shall be  
19 reimbursed, without interest, by the Legislature within two fiscal  
20 years of the transfer.

21 *(e) Any unencumbered funds remaining in the Off-Highway*  
22 *Vehicle Trust Fund on the date of repeal of this section pursuant*  
23 *to either subdivision (f) or (g) shall be transferred to the General*  
24 *Fund.*

25 *(f) This section shall remain in effect only until January 1, 2019,*  
26 *and as of that date is repealed.*

27 *(g) Notwithstanding subdivision (f), if the report required*  
28 *pursuant to subdivision (e) of Section 8352.6 of the Revenue and*  
29 *Taxation Code is not received by the Legislature by January 1,*  
30 *2018, this section is repealed on July 1, 2018.*

31 SEC. 3. This act is an urgency statute necessary for the  
32 immediate preservation of the public peace, health, or safety within  
33 the meaning of Article IV of the California Constitution and shall  
34 go into immediate effect. The facts constituting the necessity are:

35 In order to provide for ~~the appropriate analysis for the~~  
36 ~~Legislature to decide as soon as possible whether or not to approve~~  
37 ~~the extension of the Off-Highway Motor Vehicle Program as~~

- 1 ~~quickly as possible~~, *Program*, it is necessary for this act to take
- 2 effect immediately.

AMENDED IN SENATE APRIL 3, 2017

AMENDED IN SENATE MARCH 30, 2017

AMENDED IN SENATE JANUARY 26, 2017

## SENATE BILL

**No. 1**

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### **Introduced by Senator Beall**

(Principal coauthor: Assembly Member Frazier)

**(Coauthors: Senators Atkins, Dodd, Hertzberg, Hill, McGuire,  
Mendoza, Monning, Skinner, Wieckowski, and Wiener)**

(Coauthors: Assembly Members Low, Mullin, and Santiago)

December 5, 2016

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An act to amend Section 14526.5 of, to add Sections 14033, 14110, 14526.7, 14556.41, and 16321 to, to add Chapter 5 (commencing with Section 14460) to Part 5 of Division 3 of Title 2 of, to repeal Sections 63048.66, 63048.67, 63048.7, 63048.75, 63048.8, and 63048.85 of, and to repeal and add Section 63048.65 of, the Government Code, to add Section 43021 to the Health and Safety Code, to amend Section 99312.1 of, and to add Sections 99312.3, 99312.4, and 99314.9 to, the Public Utilities Code, to amend Sections 6051.8, 6201.8, 7360, 8352.4, 8352.5, 8352.6, and 60050 of, to add Sections 7361.2, 7653.2, 60050.2, and 60201.4 to, and to add Chapter 6 (commencing with Section 11050) to Part 5 of Division 2 of, the Revenue and Taxation Code, to amend Sections 2104, 2105, 2106, and 2107 of, to add Sections 2103.1 and 2192.4 to, to add Article 2.5 (commencing with Section 800) to Chapter 4 of Division 1 of, and to add Chapter 2 (commencing with Section 2030) and Chapter 8.5 (commencing with Section 2390) to Division 3 of, the Streets and Highways Code, and to amend Section 4156 of, and to add Sections 4000.15 and 9250.6 to, the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Beall. Transportation funding.

(1) Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain registration fees on vehicles, with revenues from these fees deposited in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account.

This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund, including revenues attributable to a \$0.12 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment, as provided, 50% of a \$0.20 per gallon increase in the diesel excise tax, with an inflation adjustment, as provided, a portion of a new transportation improvement fee imposed under the Vehicle License Fee Law with a varying fee between \$25 and \$175 based on vehicle value and with an inflation adjustment, as provided, and a new \$100 annual vehicle registration fee applicable only to zero-emission vehicles model year 2020 and later, with an inflation adjustment, as provided. The bill would provide that the fuel excise tax increases take effect on November 1, 2017, the transportation improvement fee takes effect on January 1, 2018, and the zero-emission vehicle registration fee takes effect on July 1, 2020.

This bill would annually set aside \$200,000,000 of the funds available for the program to fund road maintenance and rehabilitation purposes in counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees, as defined, which taxes or fees are dedicated solely to transportation improvements. These funds would be continuously appropriated for allocation pursuant



to guidelines to be developed by the California Transportation Commission in consultation with local agencies. The bill would require \$100,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on the Active Transportation Program. The bill would require \$400,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on state highway bridge and culvert maintenance and rehabilitation. The bill would require \$5,000,000 of the funds available for the program that are not restricted by Article XIX of the California Constitution to be appropriated each fiscal year to the California Workforce Development to assist local agencies to implement policies to promote preapprenticeship training programs to carry out specified projects funded by the account. The bill would require \$25,000,000 of the funds available for the program to be annually transferred to the State Highway Account for expenditure on the freeway service patrol program. The bill would require \$25,000,000 of the funds available for the program to be available annually for expenditure, upon appropriation by the Legislature, on local planning grants. The bill would authorize annual appropriations of \$5,000,000 and \$2,000,000 of the funds available for the program to the University of California and the California State University, respectively, for the purpose of conducting transportation research and transportation-related workforce education, training, and development, as specified. The bill would require the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% to cities and counties pursuant to a specified formula. The bill would impose various requirements on the department and agencies receiving these funds. The bill would authorize a city or county to spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to the program if the city's or county's average Pavement Condition Index meets or exceeds 80.

(2) Existing law creates the Department of Transportation within the Transportation Agency.

This bill would create the Independent Office of Audits and Investigations within the department, with specified powers and duties. The bill would provide for the Governor to appoint the director of the office for a 6-year term, subject to confirmation by the Senate, and would provide that the director, who would be known as the inspector general, may not be removed from office during the term except for

good cause. The bill would specify the duties and responsibilities of the Transportation Inspector General with respect to the department and local agencies receiving state and federal transportation funds through the department, and would require an annual report to the Legislature and Governor.

This bill would require the department to update the Highway Design Manual to incorporate the “complete streets” design concept by January 1, 2018. The bill would require the department to develop a plan by January 1, 2020, to increase by up to 100% the dollar value of contracts awarded to small businesses, disadvantaged business enterprises, and disabled veteran business enterprises, as specified.

(3) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified.

This bill would identify the amount of outstanding loans from certain transportation funds as \$706,000,000. The bill would require the Department of Finance to prepare a loan repayment schedule and would require the outstanding loans to be repaid pursuant to that schedule, as prescribed. The bill would appropriate funds for that purpose from the Budget Stabilization Account. The bill would require the repaid funds to be transferred, pursuant to a specified formula, to various state and local transportation purposes.

(4) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement and for specified categories of projects eligible to receive these funds.

This bill would deposit the revenues attributable to 50% of the \$0.20 per gallon increase in the diesel fuel excise tax imposed by the bill into the Trade Corridors Enhancement Fund, to be expended on corridor-based freight projects nominated by local agencies and the state.

(5) Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including

aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes associated with those other modes, except that a specified portion of these gasoline excise tax revenues is deposited in the General Fund. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution.

This bill, commencing November 1, 2017, would transfer the gasoline excise tax revenues attributable to boats and off-highway vehicles from the new \$0.12 per gallon increase, and future inflation adjustments from that increase, to the State Parks and Recreation Fund, to be used for state parks, off-highway vehicle programs, and boating programs. The bill would allocate revenues from future inflation adjustments of the existing gasoline excise tax rate attributable to the nonhighway modes pursuant to existing law.

(6) Existing law, as of July 1, 2011, increases the sales and use tax on diesel and decreases the excise tax, as provided. Existing law requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the various changes in the taxes imposed on gasoline and diesel are revenue neutral.

This bill would eliminate, effective July 1, 2019, the annual rate adjustment to maintain revenue neutrality for the gasoline and diesel excise tax rates and would reimpose on that date the higher gasoline excise tax rate that was in effect on July 1, 2010, in addition to the increase in the rate described in (1) above that becomes effective on November 1, 2017.

Existing law, beyond the sales and use tax rate generally applicable, imposes an additional sales and use tax on diesel fuel at the rate of 1.75%, subject to certain exemptions, and provides for the net revenues collected from the additional tax to be transferred to the Public Transportation Account. Existing law continuously appropriates these and other revenues in the account to the Controller for allocation by formula to transportation agencies for public transit purposes under the State Transit Assistance Program. Existing law provides for appropriation of other revenues in the account to the Department of Transportation for various other transportation purposes, including intercity rail purposes.

This bill would increase the additional sales and use tax rate on diesel fuel by an additional 4%. The bill would restrict expenditures of revenues attributable to the 3.5% rate increase to transit capital purposes and certain transit services and would require a recipient transit agency

to comply with certain requirements, including submitting a list of proposed projects to the Department of Transportation, as a condition of receiving a portion of these funds under the State Transit Assistance Program. The bill would require an existing required audit of transit operator finances to verify that these new revenues have been expended in conformance with these specific restrictions and all other generally applicable requirements. By increasing the amount of revenues in the Public Transportation Account that are continuously appropriated, the bill would thereby make an appropriation. The bill would require the revenues attributable to the remaining 0.5% rate increase to be continuously appropriated to the Transportation Agency for intercity rail and commuter rail purposes. The bill would also allocate a portion of the new transportation improvement fee to the State Transit Assistance Program.

(7) Existing law provides for the state to receive certain compact assets, as defined, from designated tribal compacts relative to Indian gaming, and authorized the compact assets to be sold by the Infrastructure and Economic Development Bank to a special purpose trust in order to generate state revenues. Existing law designated certain of these revenues to be used to repay certain loans of transportation funds that were made to the General Fund.

This bill would delete the references to the special purpose trust and revise payments to various transportation accounts to be made from compact assets. The bill would repeal various other related provisions.

(8) Existing law creates the Traffic Congestion Relief Program and identifies various specific projects eligible to receive funding.

This bill would deem the Traffic Congestion Relief Program to be complete and final as of June 30, 2017, and would provide that projects without approved applications are no longer eligible for funding.

(9) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. The program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it

determines that the program is not sufficiently consistent with the asset management plan.

This bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval.

This bill, on and after July 1, 2017, would also require the commission to make an allocation of all capital and support costs for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines to provide exceptions to the requirement for a supplemental project allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

(10) Existing law generally provides for transportation capital improvement projects to be nominated and programmed through the state highway operation and protection program, relative to state highway rehabilitation and similar projects, or through the state transportation improvement program, relative to capacity enhancements and other capital projects.

This bill would create the Solutions for Congested Corridors Program, with funding appropriated for the program from a portion of the new transportation improvement fee to be allocated by the California Transportation Commission to projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state and that are part of a comprehensive corridor plan. The bill would provide for regional transportation agencies and the Department of Transportation to nominate projects, with preference to be given to projects that demonstrate collaboration between the regional agencies and the department.

(11) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a

significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would establish the Advance Mitigation Program in the Department of Transportation to enhance communications between the department and stakeholders to, among other things, protect natural resources and accelerate project delivery. The bill would require the department to set aside not less than \$30,000,000 annually for 4 years for the program from capital outlay revenues.

(12) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution.

This bill would prohibit, except as specified, the requiring of the retirement, replacement, retrofit, or repower of a self-propelled commercial motor ~~vehicle, directly or indirectly,~~ vehicle during a specified period. *The bill would require the state board to, by January 1, 2025, evaluate the impact of these provisions on state and local clean air efforts to meet state and local clean air goals, as provided.*

(13) Existing law prohibits a person from driving, moving, or leaving standing upon a highway any motor vehicle, as defined, that has been registered in violation of provisions regulating vehicle emissions.

This bill, effective January 1, 2020, would require the Department of Motor Vehicles to confirm, prior to the initial registration or the transfer of ownership and registration of a diesel-fueled vehicle with a gross vehicle weight rating of more than 14,000 pounds, that the vehicle is compliant with, or exempt from, applicable air pollution control technology requirements, pursuant to specified provisions. The bill would require the department to refuse registration, or renewal or transfer of registration, for certain diesel-fueled vehicles, based on weight and model year, that are subject to specified provisions relating to the reduction of emissions of diesel particulate matter, oxides of nitrogen, and other criteria pollutants from in-use diesel-fueled vehicles. The bill would authorize the department to allow registration, or renewal or transfer of registration, for any diesel-fueled vehicle that has been reported to the State Air Resources Board, and is using an approved exemption, or is compliant with applicable air pollution control technology requirements, pursuant to specified provisions.

Existing law authorizes the department, in its discretion, to issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by the department and paid to the department by the owner or other person in lawful possession of the vehicle.

This bill would additionally authorize the department to issue a temporary permit to operate a vehicle for which registration is otherwise required to be refused under the provisions of the bill, as prescribed.

(14) The bill would enact other related provisions.

(15) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Over the next 10 years, the state faces a \$59 billion shortfall  
4 to adequately maintain the existing state highway system in order  
5 to keep it in a basic state of good repair.

6 (b) Similarly, cities and counties face a \$78 billion shortfall  
7 over the next decade to adequately maintain the existing network  
8 of local streets and roads.

9 (c) Statewide taxes and fees dedicated to the maintenance of  
10 the system have not been increased in more than 20 years, with  
11 those revenues losing more than 55 percent of their purchasing  
12 power, while costs to maintain the system have steadily increased  
13 and much of the underlying infrastructure has aged past its expected  
14 useful life.

15 (d) California motorists are spending \$17 billion annually in  
16 extra maintenance and car repair bills, which is more than \$700  
17 per driver, due to the state's poorly maintained roads.

18 (e) Failing to act now to address this growing problem means  
19 that more drastic measures will be required to maintain our system  
20 in the future, essentially passing the burden on to future generations  
21 instead of doing our job today.

22 (f) A funding program will help address a portion of the  
23 maintenance backlog on the state's road system and will stop the  
24 growth of the problem.

1 (g) Modestly increasing various fees can spread the cost of road  
2 repairs broadly to all users and beneficiaries of the road network  
3 without overburdening any one group.

4 (h) Improving the condition of the state's road system will have  
5 a positive impact on the economy as it lowers the transportation  
6 costs of doing business, reduces congestion impacts for employees,  
7 and protects property values in the state.

8 (i) The federal government estimates that increased spending  
9 on infrastructure creates more than 13,000 jobs per \$1 billion spent.

10 (j) Well-maintained roads benefit all users, not just drivers, as  
11 roads are used for all modes of transport, whether motor vehicles,  
12 transit, bicycles, or pedestrians.

13 (k) Well-maintained roads additionally provide significant health  
14 benefits and prevent injuries and death due to crashes caused by  
15 poorly maintained infrastructure.

16 (l) A comprehensive, reasonable transportation funding package  
17 will do all of the following:

18 (1) Ensure these transportation needs are addressed.

19 (2) Fairly distribute the economic impact of increased funding.

20 (3) Restore the gas tax rate previously reduced by the State  
21 Board of Equalization pursuant to the gas tax swap.

22 (4) Direct increased revenue to the state's highest transportation  
23 needs.

24 (m) This act presents a balance of new revenues and reasonable  
25 reforms to ensure efficiency, accountability, and performance from  
26 each dollar invested to improve California's transportation system.  
27 The revenues designated in this act are intended to address both  
28 state and local transportation infrastructure needs as follows:

29 (1) The revenues estimated to be available for allocation under  
30 the act to local agencies are estimated over the next 10 years to be  
31 as follows:

32 (A) Fifteen billion dollars (\$15,000,000,000) to local street and  
33 road maintenance.

34 (B) Seven billion five hundred million dollars (\$7,500,000,000)  
35 for transit operations and capital.

36 (C) Two billion dollars (\$2,000,000,000) for the local  
37 partnership program.

38 (D) One billion dollars (\$1,000,000,000) for the Active  
39 Transportation Program.



1 (E) Eight hundred twenty-five million dollars (\$825,000,000)  
2 for the regional share of the State Transportation Improvement  
3 Program.

4 (F) Two hundred fifty million dollars (\$250,000,000) for local  
5 planning grants.

6 (2) The revenues estimated to be available for allocation under  
7 the act to the state are estimated over the next 10 years to be as  
8 follows:

9 (A) Fifteen billion dollars (\$15,000,000,000) for state highway  
10 maintenance and rehabilitation.

11 (B) Four billion dollars (\$4,000,000,000) for highway bridge  
12 and culvert maintenance and rehabilitation.

13 (C) Three billion dollars (\$3,000,000,000) for high priority  
14 freight corridors.

15 (D) Two billion five hundred million dollars (\$2,500,000,000)  
16 for congested corridor relief.

17 (E) Eight hundred million dollars (\$800,000,000) for parks  
18 programs, off-highway vehicle programs, boating programs, and  
19 agricultural programs.

20 (F) Two hundred seventy-five million dollars (\$275,000,000)  
21 for the interregional share of the State Transportation Improvement  
22 Program.

23 (G) Two hundred fifty million dollars (\$250,000,000) for  
24 freeway service patrols.

25 (H) Seventy million dollars (\$70,000,000) for transportation  
26 research at the University of California and the California State  
27 University.

28 (n) It is the intent of the Legislature that the Department of  
29 Transportation meet the following preliminary performance  
30 outcomes for additional state highway investments by the end of  
31 2027, in accordance with applicable state and federal standards:

32 (1) Not less than 98 percent of pavement on the state highway  
33 system in good or fair condition.

34 (2) Not less than 90 percent level of service achieved for  
35 maintenance of potholes, spalls, and cracks.

36 (3) Not less than 90 percent of culverts in good or fair condition.

37 (4) Not less than 90 percent of the transportation management  
38 system units in good condition.

39 (5) Fix not less than an additional 500 bridges.

(o) Further, it is the intent of the Legislature that the Department of Transportation leverage funding provided by this act for trade corridors and other highly congested travel corridors in order to obtain matching funds from federal and other sources to maximize improvements in the state's high-priority freight corridors and in the most congested commute corridors.

(p) Constitutionally protecting the funds raised by this act ensures that these funds are to be used only for transportation purposes necessary to repair roads and bridges, expand the economy, and protect natural resources.

(q) This act advances greenhouse gas reduction objectives and other environmental goals by focusing on "fix-it-first" projects, investments in transit and active transportation, and supporting Senate Bill 375 (Chapter 728, Statutes of 2008) and transportation plans.

SEC. 2. This act shall be known, and may be cited as, the Road Repair and Accountability Act of 2017.

SEC. 3. Section 14033 is added to the Government Code, to read:

14033. On or before January 1, 2018, the department shall update the Highway Design Manual to incorporate the "complete streets" design concept.

SEC. 4. Section 14110 is added to the Government Code, to read:

14110. Consistent with federal and state laws and regulations, including, but not limited to, the department's goal setting methodology as approved by the Federal Highway Administration, the department shall develop a plan by January 1, 2020, to increase by up to 100 percent the dollar value of contracts and procurements awarded to small businesses, disadvantaged business enterprises, and disabled veteran business enterprises. The plan shall include the use of targeted media, including minority and women business enterprises, to outreach to these businesses and shall be provided to the Legislature pursuant to Section 9795.

SEC. 5. Chapter 5 (commencing with Section 14460) is added to Part 5 of Division 3 of Title 2 of the Government Code, to read:

1 CHAPTER 5. DEPARTMENT OF TRANSPORTATION INDEPENDENT  
2 OFFICE OF AUDITS AND INVESTIGATIONS  
3

4 14460. (a) There is hereby created in the department the  
5 Independent Office of Audits and Investigations to ensure all of  
6 the following:

7 (1) The department, and external entities that receive state and  
8 federal transportation funds from the department, are spending  
9 those funds efficiently, effectively, economically, and in  
10 compliance with applicable state and federal requirements. Those  
11 external entities include, but are not limited to, private for profit  
12 and nonprofit organizations, local transportation agencies, and  
13 other local agencies that receive transportation funds either through  
14 a contract with the department or through an agreement or grant  
15 administered by the department.

16 (2) The department's programs are functioning consistent with  
17 applicable accounting standards and practices and are administered  
18 effectively, efficiently, and economically.

19 (3) The department's management is accomplishing  
20 departmental priorities, developing an annual audit plan,  
21 administering an effective enterprise risk management program,  
22 and is making efficient, effective, and financially responsible  
23 transportation decisions.

24 (4) The Secretary of Transportation, the Legislature, the  
25 California Transportation Commission, and the director and chief  
26 deputy director of the department are fully informed concerning  
27 fraud, improper activities, or other serious abuses or deficiencies  
28 relating to the expenditure of transportation funds or administration  
29 of department programs and operations.

30 (b) The Governor shall appoint the director of the Audits and  
31 Investigations Office, who shall serve a six-year term, have the  
32 title of Inspector General, and be subject to Senate confirmation.  
33 The Inspector General may not be removed from office during  
34 that term, except for good cause. The reasons for removal of the  
35 Inspector General shall be stated in writing and shall include the  
36 basis for removal. The writing shall be sent to the Secretary of the  
37 Senate and the Chief Clerk of the Assembly at the time of the  
38 removal and shall be deemed to be a public document.

39 (c) The Inspector General is vested with the full authority to  
40 exercise all responsibility for maintaining a full scope, independent,

1 and objective audit and investigation program as prescribed by  
2 Sections 1237, 13885, 13886.5, 13887.5, and 13888, including,  
3 but not limited to, those activities described in Section 14461.

4 (d) Notwithstanding Section 13887, in order to achieve  
5 independence and objectivity pursuant to this section, the  
6 Independent Office of Audits and Investigation shall meet all of  
7 the following requirements:

8 (1) The Inspector General shall report all audit and confidential  
9 investigation findings and recommendations made under his or  
10 her jurisdiction to the Secretary of Transportation and the director  
11 and chief deputy director of the department on an ongoing and  
12 current basis.

13 (2) The Inspector General shall report at least annually, or upon  
14 request, to the Governor, the Legislature, and the California  
15 Transportation Commission with a summary of his or her  
16 investigation and audit findings and recommendations. The  
17 summary shall be posted on the office's Internet Web site and shall  
18 otherwise be made available to the public upon its release to the  
19 Governor, commission, and Legislature. The summary shall  
20 include, but need not be limited to, significant problems discovered  
21 by the Inspector General and whether the Inspector General's  
22 recommendations relative to audits and investigations have been  
23 implemented by the affected units and programs of the department  
24 or affected external entities. The report shall be submitted to the  
25 Legislature in compliance with Section 9795.

26 14461. The Inspector General shall review policies, practices,  
27 and procedures and conduct audits and investigations of activities  
28 involving state transportation funds administered by the department  
29 in consultation with all affected units and programs of the  
30 department and external entities.

31 SEC. 6. Section 14526.5 of the Government Code is amended  
32 to read:

33 14526.5. (a) Based on the asset management plan prepared  
34 and approved pursuant to Section 14526.4, the department shall  
35 prepare a state highway operation and protection program for the  
36 expenditure of transportation funds for major capital improvements  
37 that are necessary to preserve and protect the state highway system.  
38 Projects included in the program shall be limited to improvements  
39 relative to the maintenance, safety, operation, and rehabilitation

1 of state highways and bridges that do not add a new traffic lane to  
2 the system.

3 (b) The program shall include projects that are expected to be  
4 advertised prior to July 1 of the year following submission of the  
5 program, but which have not yet been funded. The program shall  
6 include those projects for which construction is to begin within  
7 four fiscal years, starting July 1 of the year following the year the  
8 program is submitted.

9 (c) (1) The department, at a minimum, shall specify, for each  
10 project in the state highway operation and protection program, the  
11 capital and support budget, as applicable, for each of the following  
12 project phases:

13 (A) Project approval and environmental documents, support  
14 only.

15 (B) Plans, specifications, and estimates, support only.

16 (C) Rights-of-way.

17 (D) Construction.

18 (2) The department shall specify, for each project in the state  
19 highway operation and protection program, a projected delivery  
20 date for each of the following components:

21 (A) Project approval and environmental document completion.

22 (B) Plans, specifications, and estimates completion.

23 (C) Right-of-way certification.

24 (D) Start of construction.

25 (d) The department shall submit its proposed program to the  
26 commission not later than January 31 of each even-numbered year.  
27 Prior to submitting its proposed program, the department shall  
28 make a draft of its proposed program available to transportation  
29 planning agencies for review and comment and shall include the  
30 comments in its submittal to the commission. The department shall  
31 provide the commission with detailed information for all  
32 programmed projects on cost, scope, schedule, and performance  
33 metrics as determined by the commission.

34 (e) The commission shall review the proposed program relative  
35 to its overall adequacy, consistency with the asset management  
36 plan prepared and approved pursuant to Section 14526.4 and  
37 funding priorities established in Section 167 of the Streets and  
38 Highways Code, the level of annual funding needed to implement  
39 the program, and the impact of those expenditures on the state  
40 transportation improvement program. The commission shall adopt

1 the program and submit it to the Legislature and the Governor not  
2 later than April 1 of each even-numbered year. The commission  
3 may decline to adopt the program if the commission determines  
4 that the program is not sufficiently consistent with the asset  
5 management plan prepared and approved pursuant to Section  
6 14526.4.

7 (f) As part of the commission's review of the program required  
8 pursuant to subdivision (a), the commission shall hold at least one  
9 hearing in northern California and one hearing in southern  
10 California regarding the proposed program.

11 (g) On or after July 1, 2017, to provide sufficient and transparent  
12 oversight of the department's capital outlay support resources  
13 composed of both state staff and contractors, the commission shall  
14 be required to allocate the department's capital outlay support  
15 resources by project phase, including preconstruction. Through  
16 this action, the commission will provide public transparency for  
17 the department's budget estimates, increasing assurance that the  
18 annual budget forecast is reasonable. The commission shall develop  
19 guidelines, in consultation with the department, to implement this  
20 subdivision. Guidelines adopted by the commission to implement  
21 this subdivision shall be exempt from the Administrative Procedure  
22 Act (Chapter 3.5 (commencing with Section 11340) of Part 1).

23 (h) Beginning July 1, 2017, for a project that experiences  
24 increases in capital or support costs above the amounts in the  
25 commission's allocation pursuant to subdivision (g), the  
26 commission shall establish a threshold for requiring a supplemental  
27 project allocation. The commission's guidelines adopted pursuant  
28 to subdivision (g) shall also establish the threshold that the  
29 commission determines is necessary to ensure efficiency and may  
30 provide exceptions as necessary so that projects are not  
31 unnecessarily delayed.

32 (i) The department, for each project requiring a supplemental  
33 project allocation pursuant to subdivision (h), shall submit a request  
34 to the commission for its approval.

35 (j) Expenditures for these projects shall not be subject to  
36 Sections 188 and 188.8 of the Streets and Highways Code.

37 SEC. 7. Section 14526.7 is added to the Government Code, to  
38 read:

39 14526.7. (a) The department shall incorporate the performance  
40 targets in subdivision (n) of Section 1 of the act adding this section

1 into the asset management plan adopted by the commission and  
2 targets adopted by the commission pursuant to Sections 14526.4  
3 and 14526.5. The asset management plan shall also include targets  
4 adopted by the commission in consultation with the department  
5 for each asset class included in subdivision (n) of Section 1 of the  
6 act adding this section to measure the degree to which progress  
7 was made towards achieving the overall 2027 targets. Targets may  
8 be modified by the commission as needed to conform to federal  
9 regulation on performance measures and the completion of the  
10 department's asset management plan. Nothing in this section  
11 precludes the commission from adopting additional targets and  
12 performance measures pursuant to paragraph (1) of subdivision  
13 (c) of Section 14526.4.

14 (b) As specified by guidelines adopted by the commission, the  
15 department shall report to the commission on its progress toward  
16 meeting the targets and performance measures established for state  
17 highways pursuant to subdivision (n) of Section 1 of the act adding  
18 this section and paragraph (1) of subdivision (c) of Section 14526.4.

19 SEC. 8. Section 14556.41 is added to the Government Code,  
20 to read:

21 14556.41. As of June 30, 2017, projects in Section 14556.40  
22 for the Traffic Congestion Relief Program shall be deemed  
23 complete and final, and funding levels shall be based on actual  
24 amounts requested by the designated lead applicant pursuant to  
25 Section 14556.12. Projects without approved applications in  
26 accordance with Section 14556.12 shall no longer be eligible for  
27 program funding. Traffic Congestion Relief Program savings shall  
28 be transferred to other transportation accounts for the purposes  
29 specified in Section 16321.

30 SEC. 9. Section 16321 is added to the Government Code, to  
31 read:

32 16321. The amount of outstanding loans made pursuant to  
33 Section 14556.8 is seven hundred six million dollars  
34 (\$706,000,000). This amount shall be repaid from the General  
35 Fund pursuant to subdivision (c) of Section 20 of Article XVI of  
36 the California Constitution no later than June 30, 2020, and upon  
37 repayment of this amount all loans authorized pursuant to Section  
38 14556.8 and any associated interest shall be deemed repaid. The  
39 loans shall be repaid proportionately and in equal installments over  
40 three years. The Department of Finance shall prepare a loan

1 repayment schedule, pursuant to which the outstanding loans shall  
2 be repaid by June 30, 2020, as follows:

3 (a) Two hundred fifty-six million dollars (\$256,000,000) for  
4 transfer to the Public Transportation Account, to be allocated as  
5 follows:

6 (1) Up to twenty million dollars (\$20,000,000) to local and  
7 regional agencies for climate change adaptation planning.

8 (2) The remainder to the Transit and Intercity Rail Capital  
9 Program as authorized in Part 2 (commencing with Section 75220)  
10 of Division 44 of the Public Resources Code.

11 (b) Two hundred twenty-five million dollars (\$225,000,000)  
12 for transfer to the State Highway Account, for the State Highway  
13 Operation and Protection Program.

14 (c) Two hundred twenty-five million dollars (\$225,000,000) is  
15 hereby continuously appropriated without regard to fiscal year to  
16 the Controller for apportionment to cities and counties for local  
17 streets and roads pursuant to the formula in paragraph (3) of  
18 subdivision (a) of Section 2103 of the Streets and Highways Code.

19 SEC. 10. Section 63048.65 of the Government Code is  
20 repealed.

21 SEC. 11. Section 63048.65 is added to the Government Code,  
22 to read:

23 63048.65. (a) Prior to July 1, 2015, three hundred twenty-one  
24 million dollars (\$321,000,000) of the one billion two hundred  
25 million dollars (\$1,200,000,000) of loans from the Traffic  
26 Congestion Relief Fund to the General Fund was repaid using  
27 tribal gaming compact revenues. In 2016, an additional one  
28 hundred seventy-three million dollars (\$173,000,000) was repaid  
29 from the General Fund.

30 (b) The remaining seven hundred six million dollars  
31 (\$706,000,000) of loans from the Traffic Congestion Relief Fund  
32 to the General Fund shall be repaid pursuant to Section 14556.8.

33 SEC. 12. Section 63048.66 of the Government Code is  
34 repealed.

35 SEC. 13. Section 63048.67 of the Government Code is  
36 repealed.

37 SEC. 14. Section 63048.7 of the Government Code is repealed.

38 SEC. 15. Section 63048.75 of the Government Code is  
39 repealed.

40 SEC. 16. Section 63048.8 of the Government Code is repealed.



1 SEC. 17. Section 63048.85 of the Government Code is  
2 repealed.

3 SEC. 18. Section 43021 is added to the Health and Safety Code,  
4 to read:

5 43021. (a) Except as provided in subdivision (b), the  
6 retirement, replacement, retrofit, or repower of a self-propelled  
7 commercial motor vehicle, as defined in Section 34601 of the  
8 Vehicle Code, shall not be ~~required, directly or indirectly, required~~  
9 until the later of the following:

10 (1) Thirteen years from the model year the engine and emission  
11 control system are first certified for use in self-propelled  
12 commercial motor vehicles by the state board or other applicable  
13 state and federal agencies.

14 (2) When the vehicle reaches the earlier of either 800,000  
15 vehicle miles traveled or 18 years from the model year the engine  
16 and emission control system are first certified for use in  
17 self-propelled commercial motor vehicles by the state board or  
18 other applicable state and federal agencies.

19 (b) This section does not apply to any of the following:

20 (1) Safety programs, including, but not limited to, those adopted  
21 pursuant to Section 34501 of the Vehicle Code.

22 (2) Voluntary incentive and grant programs, including, but not  
23 limited to, those that give preferential access to a facility to a  
24 particular vehicle or class of vehicles.

25 (3) Programs designed to address inspection of, tampering with,  
26 and maintenance of, emission control systems.

27 (4) Programs designed to address imminent health risks where  
28 evidence, unavailable at the time equipment is certified for use by  
29 the state board or other applicable state and federal agencies, is  
30 sufficient to show that immediate corrective action is necessary  
31 to prevent injury, illness, or death.

32 (c) This section only applies to laws or regulations adopted or  
33 amended after January 1, 2017.

34 (d) *It is the intent of the Legislature for this section to provide*  
35 *owners of self-propelled commercial motor vehicles, as defined*  
36 *in subdivision (a), certainty about the useful life of engines certified*  
37 *by the state board and other applicable agencies to meet required*  
38 *environmental standards for sale in the state. This section is not*  
39 *meant to otherwise restrict the authority of the state board or*  
40 *districts.*

1     (e) (1) *The state board shall, by January 1, 2025, evaluate the*  
2 *impact of the provisions of this section on state and local clean*  
3 *air efforts to meet state and local clean air goals. The evaluation*  
4 *shall include a review of the following:*

5     (A) *Compliance with the truck and bus rule (Section 2025 of*  
6 *Title 13 of the California Code of Regulations).*

7     (B) *The benefits and impacts of measures enacted to improve*  
8 *local air quality impacts from stationary sources.*

9     (C) *State implementation plan compliance.*

10    (2) *As part of the study, the state board shall make*  
11 *recommendations to the Legislature on additional or different*  
12 *mechanisms for achieving those goals while recognizing the*  
13 *financial investments made by the effected entities. In developing*  
14 *the study, the state board shall take into account the report*  
15 *required in Section 38531 of the Health and Safety Code.*

16    (3) *The state board shall hold at least one public workshop*  
17 *prior to the completion of the study.*

18    SEC. 19. Section 99312.1 of the Public Utilities Code is  
19 amended to read:

20    99312.1. (a) Revenues transferred to the Public Transportation  
21 Account pursuant to Sections 6051.8 and 6201.8 of the Revenue  
22 and Taxation Code for the State Transit Assistance Program are  
23 hereby continuously appropriated to the Controller for allocation  
24 as follows:

25    (1) Fifty percent for allocation to transportation planning  
26 agencies, county transportation commissions, and the San Diego  
27 Metropolitan Transit Development Board pursuant to Section  
28 99314.

29    (2) Fifty percent for allocation to transportation agencies, county  
30 transportation commissions, and the San Diego Metropolitan  
31 Transit Development Board for purposes of Section 99313.

32    (b) For purposes of this chapter, the revenues allocated pursuant  
33 to this section shall be subject to the same requirements as revenues  
34 allocated pursuant to subdivisions (b) and (c), as applicable, of  
35 Section 99312.

36    (c) The revenues transferred to the Public Transportation  
37 Account for the State Transit Assistance Program that are  
38 attributable to subdivision (a) of Section 11053 of the Revenue  
39 and Taxation Code are hereby continuously appropriated to the

1 Controller, and, upon allocation pursuant to Sections 99313 and  
2 99314, shall only be expended on the following:

3 (1) Transit capital projects or services to maintain or repair a  
4 transit operator's existing transit vehicle fleet or existing transit  
5 facilities, including rehabilitation or modernization of existing  
6 vehicles or facilities.

7 (2) The design, acquisition, and construction of new vehicles  
8 or facilities that improve existing transit services.

9 (3) Transit services that complement local efforts for repair and  
10 improvement of local transportation infrastructure.

11 (d) (1) Prior to receiving an apportionment of funds pursuant  
12 to subdivision (c) from the Controller in a fiscal year, a recipient  
13 transit agency shall submit to the Department of Transportation a  
14 list of projects proposed to be funded with these funds. The list of  
15 projects proposed to be funded with these funds shall include a  
16 description and location of each proposed project, a proposed  
17 schedule for the project's completion, and the estimated useful life  
18 of the improvement. The project list shall not limit the flexibility  
19 of a recipient transit agency to fund projects in accordance with  
20 local needs and priorities so long as the projects are consistent  
21 with subdivision (c).

22 (2) The department shall report to the Controller the recipient  
23 transit agencies that have submitted a list of projects as described  
24 in this subdivision and that are therefore eligible to receive an  
25 apportionment of funds for the applicable fiscal year. The  
26 Controller, upon receipt of the report, shall apportion funds  
27 pursuant to Sections 99313 and 99314.

28 (e) For each fiscal year, each recipient transit agency receiving  
29 an apportionment of funds pursuant to subdivision (c) shall, upon  
30 expending those funds, submit documentation to the department  
31 that includes a description and location of each completed project,  
32 the amount of funds expended on the project, the completion date,  
33 and the estimated useful life of the improvement.

34 (f) The audit of transit operator finances required pursuant to  
35 Section 99245 shall verify that the revenues identified in  
36 subdivision (c) have been expended in conformance with these  
37 specific requirements and all other generally applicable  
38 requirements.

39 SEC. 20. Section 99312.3 is added to the Public Utilities Code,  
40 to read:

1 99312.3. Revenues transferred to the Public Transportation  
2 Account pursuant to paragraph (2) of subdivision (c) of Section  
3 6051.8 and paragraph (2) of subdivision (c) of Section 6201.8 of  
4 the Revenue and Taxation Code are hereby continuously  
5 appropriated to the Transportation Agency for distribution in the  
6 following manner:

7 (a) (1) Fifty percent of available annual revenues under this  
8 section shall be allocated by the Transportation Agency to the  
9 public agencies, including joint powers agencies, responsible for  
10 state-supported intercity rail services. A minimum of 25 percent  
11 of the funds available under this subdivision shall be allocated to  
12 each of the state's three intercity rail corridors that provide  
13 regularly scheduled intercity rail service.

14 (2) The Transportation Agency shall adopt guidelines governing  
15 the administration of the funds available under this subdivision,  
16 including provisions providing authority for loans of these funds  
17 by mutual agreement between intercity rail service corridors.

18 (b) (1) Fifty percent of available annual revenues under this  
19 section shall be allocated by the Transportation Agency to the  
20 public agencies, including joint powers agencies, responsible for  
21 commuter rail services. For the 2018–19 and 2019–20 fiscal years,  
22 20 percent of the funds available under this subdivision shall be  
23 allocated to each of the state's five commuter rail service providers  
24 that provide regularly scheduled commuter rail service.  
25 Commencing July 1, 2020, the funds available under this  
26 subdivision shall be allocated based on guidelines and a distribution  
27 formula adopted by the Transportation Agency.

28 (2) On or before July 1, 2019, the Transportation Agency shall  
29 prepare a draft of the proposed guidelines and distribution formula  
30 and make them available for public comment. In preparing the  
31 proposed guidelines and distribution formula, the agency shall  
32 consult with the state's five commuter rail service providers. The  
33 final guidelines and distribution formula shall be adopted on or  
34 before January 1, 2020. The guidelines shall include, but need not  
35 be limited to, provisions providing authority for loans of these  
36 funds by mutual agreement between commuter rail service  
37 providers and providing for baseline allocations to each provider.

38 (c) The funds made available by this section may be used for  
39 operations and capital improvements.

1 SEC. 21. Section 99312.4 is added to the Public Utilities Code,  
2 to read:

3 99312.4. Revenues transferred to the Public Transportation  
4 Account pursuant to subdivision (a) of Section 11053 of the  
5 Revenue and Taxation Code for the Transit and Intercity Rail  
6 Capital Program (Part 2 (commencing with Section 75220) of  
7 Division 44 of the Public Resources Code) shall be available for  
8 appropriation to that program pursuant to the annual Budget Act.

9 SEC. 22. Section 99314.9 is added to the Public Utilities Code,  
10 to read:

11 99314.9. The Controller shall compute quarterly proposed  
12 allocations for State Transit Assistance Program funds available  
13 for allocation pursuant to Sections 99313 and 99314. The  
14 Controller shall publish the allocations for each eligible recipient  
15 agency, including one list applicable to revenues allocated pursuant  
16 to subdivision (c) of Section 99312.1 and another list for revenues  
17 allocated from all other revenues in the Public Transportation  
18 Account that are designated for the State Transit Assistance  
19 Program.

20 SEC. 23. Section 6051.8 of the Revenue and Taxation Code  
21 is amended to read:

22 6051.8. (a) Except as provided by Section 6357.3, in addition  
23 to the taxes imposed by this part, for the privilege of selling  
24 tangible personal property at retail a tax is hereby imposed upon  
25 all retailers at the rate of 1.75 percent of the gross receipts of any  
26 retailer from the sale of all diesel fuel, as defined in Section 60022.

27 (b) Except as provided by Section 6357.3, in addition to the  
28 taxes imposed by this part and by subdivision (a), commencing  
29 November 1, 2017, for the privilege of selling tangible personal  
30 property at retail a tax is hereby imposed upon all retailers at the  
31 rate of 4 percent of the gross receipts of any retailer from the sale  
32 of all diesel fuel, as defined in Section 60022, sold at retail in this  
33 state.

34 (c) (1) Notwithstanding subdivision (b) of Section 7102, except  
35 as otherwise provided in paragraph (2), all of the revenues, less  
36 refunds, collected pursuant to this section shall be estimated by  
37 the State Board of Equalization, with the concurrence of the  
38 Department of Finance, and transferred quarterly to the Public  
39 Transportation Account in the State Transportation Fund for

1 allocation under the State Transit Assistance Program pursuant to  
2 Section 99312.1 of the Public Utilities Code.

3 (2) The revenues, less refunds, attributable to a rate of 0.5  
4 percent of the 4-percent increase in the rate pursuant to subdivision  
5 (b), amounting to one-eighth of revenues from the increase in the  
6 rate under that subdivision, shall be estimated by the State Board  
7 of Equalization, with the concurrence of the Department of Finance,  
8 and transferred quarterly to the Public Transportation Account in  
9 the State Transportation Fund for allocation by the Transportation  
10 Agency to intercity rail and commuter rail purposes pursuant to  
11 Section 99312.3 of the Public Utilities Code.

12 SEC. 24. Section 6201.8 of the Revenue and Taxation Code  
13 is amended to read:

14 6201.8. (a) Except as provided by Section 6357.3, in addition  
15 to the taxes imposed by this part, an excise tax is hereby imposed  
16 on the storage, use, or other consumption in this state of diesel  
17 fuel, as defined in Section 60022, at the rate of 1.75 percent of the  
18 sales price of the diesel fuel.

19 (b) Except as provided by Section 6357.3, in addition to the  
20 taxes imposed by this part and by subdivision (a), commencing  
21 November 1, 2017, an excise tax is hereby imposed on the storage,  
22 use, or other consumption in this state of diesel fuel, as defined in  
23 Section 60022, at the rate of 4 percent of the sales price of the  
24 diesel fuel.

25 (c) (1) Notwithstanding subdivision (b) of Section 7102, except  
26 as otherwise provided in paragraph (2), all of the revenues, less  
27 refunds, collected pursuant to this section shall be estimated by  
28 the State Board of Equalization, with the concurrence of the  
29 Department of Finance, and transferred quarterly to the Public  
30 Transportation Account in the State Transportation Fund for  
31 allocation pursuant to Section 99312.1 of the Public Utilities Code.

32 (2) The revenues, less refunds, attributable to a rate of 0.5  
33 percent of the 4-percent increase in the rate pursuant to subdivision  
34 (b), amounting to one-eighth of revenues from the increase in the  
35 rate under that subdivision, shall be estimated by the State Board  
36 of Equalization, with the concurrence of the Department of Finance,  
37 and transferred quarterly to the Public Transportation Account in  
38 the State Transportation Fund for allocation by the Transportation  
39 Agency to intercity rail and commuter rail purposes pursuant to  
40 Section 99312.3 of the Public Utilities Code.

1 SEC. 25. Section 7360 of the Revenue and Taxation Code is  
2 amended to read:

3 7360. (a) (1) A tax of eighteen cents (\$0.18) is hereby imposed  
4 upon each gallon of fuel subject to the tax in Sections 7362, 7363,  
5 and 7364.

6 (2) If the federal fuel tax is reduced below the rate of nine cents  
7 (\$0.09) per gallon and federal financial allocations to this state for  
8 highway and exclusive public mass transit guideway purposes are  
9 reduced or eliminated correspondingly, the tax rate imposed by  
10 paragraph (1), on and after the date of the reduction, shall be  
11 recalculated by an amount so that the combined state rate under  
12 paragraph (1) and the federal tax rate per gallon equal twenty-seven  
13 cents (\$0.27).

14 (3) If any person or entity is exempt or partially exempt from  
15 the federal fuel tax at the time of a reduction, the person or entity  
16 shall continue to be so exempt under this section.

17 (b) (1) On and after July 1, 2010, in addition to the tax imposed  
18 by subdivision (a), a tax is hereby imposed upon each gallon of  
19 motor vehicle fuel, other than aviation gasoline, subject to the tax  
20 in Sections 7362, 7363, and 7364 in an amount equal to seventeen  
21 and three-tenths cents (\$0.173) per gallon.

22 (2) For the 2011–12 fiscal year and each fiscal year thereafter,  
23 the board shall, on or before March 1 of the fiscal year immediately  
24 preceding the applicable fiscal year, adjust the rate in paragraph  
25 (1) in that manner as to generate an amount of revenue that will  
26 equal the amount of revenue loss attributable to the exemption  
27 provided by Section 6357.7, based on estimates made by the board,  
28 and that rate shall be effective during the state's next fiscal year.

29 (3) In order to maintain revenue neutrality for each year,  
30 beginning with the rate adjustment on or before March 1, 2012,  
31 the adjustment under paragraph (2) shall also take into account the  
32 extent to which the actual amount of revenues derived pursuant to  
33 this subdivision and, as applicable, Section 7361.1, the revenue  
34 loss attributable to the exemption provided by Section 6357.7  
35 resulted in a net revenue gain or loss for the fiscal year ending  
36 prior to the rate adjustment date on or before March 1.

37 (4) The intent of paragraphs (2) and (3) is to ensure that the act  
38 adding this subdivision and Section 6357.7 does not produce a net  
39 revenue gain in state taxes.

(5) Commencing July 1, 2019, the adjustments in paragraphs (2) and (3) shall cease, and the rate imposed by this subdivision shall be the rate in paragraph (1).

(c) On and after November 1, 2017, in addition to the taxes imposed by subdivisions (a) and (b), a tax is hereby imposed upon each gallon of motor vehicle fuel, other than aviation gasoline, subject to the tax in Sections 7362, 7363, and 7364, in an amount equal to twelve cents (\$0.12) per gallon.

(d) On July 1, 2020, and every July 1 thereafter, the board shall adjust the taxes imposed by subdivisions (a), (b), and (c), with the adjustment to apply to both to the base tax rates specified in those provisions and to any previous adjustment in rates made pursuant to this subdivision, by increasing the taxes by a percentage amount equal to the increase in the California Consumer Price Index, as calculated by the Department of Finance with the resulting taxes rounded to the nearest one-tenth of one cent (\$0.01). The first adjustment pursuant to this subdivision shall be a percentage amount equal to the increase in the California Consumer Price Index from November 1, 2017, to November 1, 2019. Subsequent annual adjustments shall cover subsequent 12 month periods. The incremental change shall be added to the associated rate for that year.

(e) Any increases to the taxes imposed under subdivisions (a), (b), and (c) that are enacted by legislation subsequent to July 1, 2017, shall be deemed to be changes to the base tax rates for purposes of the California Consumer Price Index calculation and adjustment performed pursuant to subdivision (d).

SEC. 26. Section 7361.2 is added to the Revenue and Taxation Code, to read:

7361.2. (a) For the privilege of storing, for the purpose of sale, each supplier, wholesaler, and retailer owning 1,000 or more gallons of tax-paid motor vehicle fuel on November 1, 2017, shall pay a storage tax, the rate of which shall be determined by the board pursuant to the difference in the rate of the tax on motor vehicle fuel in effect on October 31, 2017, and the rate in effect on November 1, 2017, on tax-paid motor vehicle fuel in storage according to the volumetric measure thereof.

(b) For purposes of this section:

(1) "Owning" means having title to the motor vehicle fuel.



1 (2) “Retailer” means any person who sells motor vehicle fuel  
2 in this state to a person who subsequently uses the motor vehicle  
3 fuel.

4 (3) “Storing” includes the ownership or possession of tax-paid  
5 motor vehicle fuel outside of the bulk transfer/terminal system,  
6 including the holding of tax-paid motor vehicle fuel for sale at  
7 wholesale or retail locations stored in a container of any kind,  
8 including railroad tank cars and trucks or trailer cargo tanks.  
9 “Storing” also includes tax-paid motor vehicle fuel purchased from  
10 and invoiced by the seller, and tax-paid motor vehicle fuel removed  
11 from a terminal or entered into by a supplier, prior to the date  
12 specified in subdivision (a) and in transit on that date.

13 (4) “Wholesaler” means any person who sells diesel fuel in this  
14 state for resale to a retailer or to a person who is not a retailer and  
15 subsequently uses the motor vehicle fuel.

16 SEC. 27. Section 7653.2 is added to the Revenue and Taxation  
17 Code, to read:

18 7653.2. On or before January 1, 2018, each person subject to  
19 the storage tax imposed under Section 7361.2 shall prepare and  
20 file with the board, in a form prescribed by the board, a return  
21 showing the total number of gallons of tax-paid motor vehicle fuel  
22 owned by the person on November 1, 2017, the amount of the  
23 storage tax, and any other information that the board deems  
24 necessary for the proper administration of this part. The return  
25 shall be accompanied by a remittance payable to the board in the  
26 amount of tax due.

27 SEC. 28. Section 8352.4 of the Revenue and Taxation Code  
28 is amended to read:

29 8352.4. (a) Subject to Sections 8352 and 8352.1, and except  
30 as otherwise provided in subdivision (b), there shall be transferred  
31 from the money deposited to the credit of the Motor Vehicle Fuel  
32 Account to the Harbors and Watercraft Revolving Fund, for  
33 expenditure in accordance with Division 1 (commencing with  
34 Section 30) of the Harbors and Navigation Code, the sum of six  
35 million six hundred thousand dollars (\$6,600,000) per annum,  
36 representing the amount of money in the Motor Vehicle Fuel  
37 Account attributable to taxes imposed on distributions of motor  
38 vehicle fuel used or usable in propelling vessels. The actual amount  
39 shall be calculated using the annual reports of registered boats  
40 prepared by the Department of Motor Vehicles for the United

1 States Coast Guard and the formula and method of the December  
2 1972 report prepared for this purpose and submitted to the  
3 Legislature on December 26, 1972, by the Director of  
4 Transportation. If the amount transferred during each fiscal year  
5 is in excess of the calculated amount, the excess shall be  
6 retransferred from the Harbors and Watercraft Revolving Fund to  
7 the Motor Vehicle Fuel Account. If the amount transferred is less  
8 than the amount calculated, the difference shall be transferred from  
9 the Motor Vehicle Fuel Account to the Harbors and Watercraft  
10 Revolving Fund. No adjustment shall be made if the computed  
11 difference is less than fifty thousand dollars (\$50,000), and the  
12 amount shall be adjusted to reflect any temporary or permanent  
13 increase or decrease that may be made in the rate under the Motor  
14 Vehicle Fuel Tax Law. Payments pursuant to this section shall be  
15 made prior to payments pursuant to Section 8352.2.

16 (b) (1) Commencing July 1, 2012, the revenues attributable to  
17 the taxes imposed pursuant to subdivision (b) of Section 7360 and  
18 otherwise to be deposited in the Harbors and Watercraft Revolving  
19 Fund pursuant to subdivision (a) shall instead be transferred to the  
20 General Fund.

21 (2) Commencing November 1, 2017, the revenues attributable  
22 to the taxes imposed pursuant to subdivision (c) of Section 7360,  
23 any adjustment pursuant to subdivision (d) of Section 7360, and  
24 Section 7361.2, and otherwise to be deposited in the Harbors and  
25 Watercraft Revolving Fund pursuant to subdivision (a), shall  
26 instead be transferred to the State Parks and Recreation Fund to  
27 be used for state parks, off-highway vehicle programs, or boating  
28 programs.

29 SEC. 29. Section 8352.5 of the Revenue and Taxation Code  
30 is amended to read:

31 8352.5. (a) (1) Subject to Sections 8352 and 8352.1, and  
32 except as otherwise provided in paragraph (1) of subdivision (b),  
33 there shall be transferred from the money deposited to the credit  
34 of the Motor Vehicle Fuel Account to the Department of Food and  
35 Agriculture Fund, during the second quarter of each fiscal year,  
36 an amount equal to the estimate contained in the most recent report  
37 prepared pursuant to this section.

38 (2) The amounts are not subject to Section 6357 with respect  
39 to the collection of sales and use taxes thereon, and represent the  
40 portion of receipts in the Motor Vehicle Fuel Account during a

1 calendar year that were attributable to agricultural off-highway  
2 use of motor vehicle fuel which is subject to refund pursuant to  
3 Section 8101, less gross refunds allowed by the Controller during  
4 the fiscal year ending June 30 following the calendar year to  
5 persons entitled to refunds for agricultural off-highway use  
6 pursuant to Section 8101. Payments pursuant to this section shall  
7 be made prior to payments pursuant to Section 8352.2.

8 (b) (1) Commencing July 1, 2012, the revenues attributable to  
9 the taxes imposed pursuant to subdivision (b) of Section 7360 and  
10 otherwise to be deposited in the Department of Food and  
11 Agriculture Fund pursuant to subdivision (a) shall instead be  
12 transferred to the General Fund.

13 (2) Commencing November 1, 2017, the revenues attributable  
14 to the taxes imposed pursuant to subdivision (c) of Section 7360,  
15 as adjusted pursuant to subdivision (d) of Section 7360, and Section  
16 7361.2 shall be deposited in the Department of Food and  
17 Agriculture Fund.

18 (c) On or before September 30, 2012, and on or before  
19 September 30 of each even-numbered year thereafter, the Director  
20 of Transportation and the Director of Food and Agriculture shall  
21 jointly prepare, or cause to be prepared, a report setting forth the  
22 current estimate of the amount of money in the Motor Vehicle  
23 Fuel Account attributable to agricultural off-highway use of motor  
24 vehicle fuel, which is subject to refund pursuant to Section 8101  
25 less gross refunds allowed by the Controller to persons entitled to  
26 refunds for agricultural off-highway use pursuant to Section 8101;  
27 and they shall submit a copy of the report to the Legislature.

28 SEC. 30. Section 8352.6 of the Revenue and Taxation Code  
29 is amended to read:

30 8352.6. (a) (1) Subject to Section 8352.1, and except as  
31 otherwise provided in paragraphs (2) and (3), on the first day of  
32 every month, there shall be transferred from moneys deposited to  
33 the credit of the Motor Vehicle Fuel Account to the Off-Highway  
34 Vehicle Trust Fund created by Section 38225 of the Vehicle Code  
35 an amount attributable to taxes imposed upon distributions of motor  
36 vehicle fuel used in the operation of motor vehicles off highway  
37 and for which a refund has not been claimed. Transfers made  
38 pursuant to this section shall be made prior to transfers pursuant  
39 to Section 8352.2.

1 (2) (A) Commencing July 1, 2012, the revenues attributable to  
2 the taxes imposed pursuant to subdivision (b) of Section 7360 and  
3 otherwise to be deposited in the Off-Highway Vehicle Trust Fund  
4 pursuant to paragraph (1) shall instead be transferred to the General  
5 Fund.

6 (B) Commencing November 1, 2017, the revenues attributable  
7 to the taxes imposed pursuant to subdivision (c) of Section 7360,  
8 any adjustment pursuant to subdivision (d) of Section 7360, and  
9 Section 7361.2, and otherwise to be deposited in the Off-Highway  
10 Vehicle Trust Fund pursuant to subdivision (a), shall instead be  
11 transferred to the State Parks and Recreation Fund to be used for  
12 state parks, off-highway vehicle programs, or boating programs.

13 (3) The Controller shall withhold eight hundred thirty-three  
14 thousand dollars (\$833,000) from the monthly transfer to the  
15 Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and  
16 transfer that amount to the General Fund.

17 (b) The amount transferred to the Off-Highway Vehicle Trust  
18 Fund pursuant to paragraph (1) of subdivision (a), as a percentage  
19 of the Motor Vehicle Fuel Account, shall be equal to the percentage  
20 transferred in the 2006–07 fiscal year. Every five years, starting  
21 in the 2013–14 fiscal year, the percentage transferred may be  
22 adjusted by the Department of Transportation in cooperation with  
23 the Department of Parks and Recreation and the Department of  
24 Motor Vehicles. Adjustments shall be based on, but not limited  
25 to, the changes in the following factors since the 2006–07 fiscal  
26 year or the last adjustment, whichever is more recent:

27 (1) The number of vehicles registered as off-highway motor  
28 vehicles as required by Division 16.5 (commencing with Section  
29 38000) of the Vehicle Code.

30 (2) The number of registered street-legal vehicles that are  
31 anticipated to be used off highway, including four-wheel drive  
32 vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

33 (3) Attendance at the state vehicular recreation areas.

34 (4) Off-highway recreation use on federal lands as indicated by  
35 the United States Forest Service's National Visitor Use Monitoring  
36 and the United States Bureau of Land Management's Recreation  
37 Management Information System.

38 (c) It is the intent of the Legislature that transfers from the Motor  
39 Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund  
40 should reflect the full range of motorized vehicle use off highway

for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

(e) In the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, shall undertake a study to determine the appropriate adjustment to the amount transferred pursuant to subdivision (b) and to update the estimate of the amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. The department shall provide a copy of this study to the Legislature no later than January 1, 2016.

SEC. 31. Chapter 6 (commencing with Section 11050) is added to Part 5 of Division 2 of the Revenue and Taxation Code, to read:

#### CHAPTER 6. TRANSPORTATION IMPROVEMENT FEE

11050. For purposes of this chapter, the following terms have the following meanings:

(a) “Transportation purposes” means both of the following:

(1) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for

1 property taken or damaged for the foregoing purposes, and the  
2 administrative costs necessarily incurred in the foregoing purposes.

3 (2) The research, planning, construction, improvement,  
4 maintenance, and operation of public transportation systems (and  
5 their related equipment and fixed facilities), including the  
6 mitigation of their environmental effects, the payment for property  
7 taken or damaged for the foregoing purposes, and the  
8 administrative costs necessarily incurred in the foregoing purposes.

9 (b) “Transportation improvement fee” means a supplemental  
10 charge added to the fee imposed pursuant to Chapter 2  
11 (commencing with Section 10751).

12 (c) “Vehicle” means every vehicle that is subject to the fee in  
13 Chapter 2 (commencing with Section 10751), except the following:

14 (1) A commercial vehicle with an unladen weight of more than  
15 10,000 pounds.

16 (2) A vehicle exempted pursuant to the Vehicle Code from the  
17 payment of registration fees.

18 (3) A vehicle for which a certificate of nonoperation has been  
19 filed with the Department of Motor Vehicles pursuant to Section  
20 4604 of the Vehicle Code, during the period of time covered by  
21 the certificate.

22 (4) A vehicle described in Section 5004 of the Vehicle Code.

23 11051. (a) In addition to any other fee imposed on a vehicle  
24 by this code or the Vehicle Code, a transportation improvement  
25 fee is hereby imposed on each vehicle as defined in subdivision  
26 (b) of Section 11050 effective on January 1, 2018, or as soon after  
27 that date as the department is able to commence collection of the  
28 fee. The transportation improvement fee shall be in the amounts  
29 specified in Section 11052.

30 (b) The department shall collect the fee at the same time and in  
31 the same manner as the department collects the vehicle registration  
32 fee pursuant to Section 9250 of the Vehicle Code.

33 (c) The fee imposed pursuant to this chapter is imposed for the  
34 privilege of a resident of California to operate upon the public  
35 highways a vehicle or trailer coach, the registrant of which is  
36 subject to the fee under Chapter 2 (commencing with Section  
37 10751).

38 (d) The revenues from the transportation improvement fee  
39 imposed by this chapter shall be available for expenditure only on  
40 transportation purposes as provided in Section 11053.

1 11052. (a) The annual amount of the transportation  
2 improvement fee shall be based on the market value of the vehicle,  
3 as determined by the department pursuant to Sections 10753,  
4 10753.2, and 10753.5, using the following schedule:

5 (1) Vehicles with a vehicle market value range between zero  
6 dollars (\$0) and four thousand nine hundred ninety-nine dollars  
7 (\$4,999), a fee of twenty-five dollars (\$25).

8 (2) Vehicles with a vehicle market value range between five  
9 thousand dollars (\$5,000) and twenty-four thousand nine hundred  
10 ninety-nine dollars (\$24,999), a fee of fifty dollars (\$50).

11 (3) Vehicles with a vehicle market value range between  
12 twenty-five thousand dollars (\$25,000) and thirty-four thousand  
13 nine hundred ninety-nine dollars (\$34,999), a fee of one hundred  
14 dollars (\$100).

15 (4) Vehicles with a vehicle market value range between  
16 thirty-five thousand dollars (\$35,000) and fifty-nine thousand nine  
17 hundred ninety-nine dollars (\$59,999), a fee of one hundred fifty  
18 dollars (\$150).

19 (5) Vehicles with a vehicle market value range of sixty thousand  
20 dollars (\$60,000) and higher, a fee of one hundred seventy-five  
21 dollars (\$175).

22 (b) On January 1, 2020, and every January 1 thereafter, the  
23 department shall adjust the transportation improvement fee imposed  
24 under subdivision (a) by increasing the fee for each vehicle market  
25 range in an amount equal to the increase in the California  
26 Consumer Price Index for the prior year, except the first adjustment  
27 shall cover the prior two years, as calculated by the Department  
28 of Finance, with amounts equal to or greater than fifty cents (\$0.50)  
29 rounded to the highest whole dollar. The incremental change shall  
30 be added to the associated fee rate for that year.

31 (c) Any changes to the transportation improvement fee imposed  
32 in subdivision (a) that are enacted by the Legislature subsequent  
33 to January 1, 2018, shall be deemed to be changes to the base fee  
34 for purposes of the California Consumer Price Index calculation  
35 and adjustment performed pursuant to subdivision (b).

36 11053. Revenues from the transportation improvement fee,  
37 after deduction of the department's administrative costs related to  
38 this chapter, shall be transferred by the department to the Controller  
39 for deposit as follows:

(a) Commencing with the 2017–18 fiscal year, three hundred fifty million dollars (\$350,000,000), plus an annual increase for inflation as determined in subdivision (b) of Section 11052 for this proportional share, shall annually be deposited into the Public Transportation Account. The Controller shall, each month, set aside one-twelfth of this amount, to accumulate a total of three hundred fifty million dollars (\$350,000,000) in each fiscal year or the appropriate adjusted amount. For each fiscal year commencing with the 2017–18 fiscal year, the annual Budget Act shall include an appropriation for 70 percent of these revenues to be allocated to the Transit and Intercity Rail Capital Program (Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code), pursuant to Section 99312.4 of the Public Utilities Code. The remaining 30 percent of these revenues shall be continuously appropriated to the Controller for allocation under the State Transit Assistance program, pursuant to subdivision (c) of Section 99312.1 of the Public Utilities Code.

(b) Commencing with the 2017–18 fiscal year, two hundred fifty million dollars (\$250,000,000) shall annually be deposited into the State Highway Account for appropriation by the annual Budget Act to the Congested Corridor Program created pursuant to Section 2391 of the Streets and Highways Code. The Controller shall, each month, set aside one-twelfth of this amount, to accumulate a total of two hundred fifty million dollars (\$250,000,000) in each fiscal year.

(c) The remaining revenues after the transfers made in subdivisions (a) and (b) shall be deposited into the Road Maintenance and Rehabilitation Account created pursuant to Section 2031 of the Streets and Highway Code.

SEC. 32. Section 60050 of the Revenue and Taxation Code is amended to read:

60050. (a) (1) A tax of sixteen cents (\$0.16) is hereby imposed upon each gallon of diesel fuel subject to the tax in Sections 60051, 60052, and 60058.

(2) If the federal fuel tax is reduced below the rate of fifteen cents (\$0.15) per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, the tax rate imposed by paragraph (1) shall be increased by an amount so that the combined state rate under paragraph (1) and the federal tax



1 rate per gallon equal what it would have been in the absence of  
2 the federal reduction.

3 (3) If any person or entity is exempt or partially exempt from  
4 the federal fuel tax at the time of a reduction, the person or entity  
5 shall continue to be exempt under this section.

6 (b) On and after November 1, 2017, in addition to the tax  
7 imposed pursuant to subdivision (a), an additional tax of twenty  
8 cents (\$0.20) is hereby imposed upon each gallon of diesel fuel  
9 subject to the tax in Sections 60051, 60052, and 60058.

10 (c) On July 1, 2020, and every July 1 thereafter, the State Board  
11 of Equalization shall adjust the taxes imposed by subdivisions (a),  
12 and (b), with the adjustment to apply to both to the base tax rates  
13 specified in those provisions and to any previous adjustment in  
14 rates made pursuant to this subdivision, by increasing the taxes by  
15 a percentage amount equal to the increase in the California  
16 Consumer Price Index, as calculated by the Department of Finance  
17 with the resulting taxes rounded to the nearest one-tenth of one  
18 cent (\$0.01). The first adjustment pursuant to this subdivision shall  
19 be a percentage amount equal to the increase in the California  
20 Consumer Price Index from November 1, 2017, to November 1,  
21 2019. Subsequent annual adjustments shall cover subsequent 12  
22 month periods. The incremental change shall be added to the  
23 associated rate for that year.

24 (d) Any changes to the taxes imposed under this section that  
25 are enacted by legislation subsequent to July 1, 2017, shall be  
26 deemed to be changes to the base tax rates for purposes of the  
27 California Consumer Price Index calculation and adjustment  
28 performed pursuant to paragraph (1).

29 SEC. 33. Section 60050.2 is added to the Revenue and Taxation  
30 Code, to read:

31 60050.2. (a) For the privilege of storing, for the purpose of  
32 sale, each supplier, wholesaler, and retailer owning 1,000 or more  
33 gallons of tax-paid diesel fuel on November 1, 2017, shall pay a  
34 storage tax of twenty cents (\$0.20) per gallon of tax-paid diesel  
35 fuel in storage according to the volumetric measure thereof.

36 (b) For purposes of this section:

37 (1) "Owning" means having title to the diesel fuel.

38 (2) "Retailer" means any person who sells diesel fuel in this  
39 state to a person who subsequently uses the diesel fuel.

(3) “Storing” includes the ownership or possession of tax-paid diesel fuel outside of the bulk transfer/terminal system, including the holding of tax-paid diesel fuel for sale at wholesale or retail locations stored in a container of any kind, including railroad tank cars and trucks or trailer cargo tanks. “Storing” also includes tax-paid diesel fuel purchased from and invoiced by the seller, and tax-paid diesel fuel removed from a terminal or entered into by a supplier, prior to the date specified in subdivision (a) and in transit on that date.

(4) “Wholesaler” means any person who sells diesel fuel in this state for resale to a retailer or to a person who is not a retailer and subsequently uses the diesel fuel.

SEC. 34. Section 60201.4 is added to the Revenue and Taxation Code, to read:

60201.4. On or before January 1, 2018, each person subject to the storage tax imposed under Section 60050.2 shall prepare and file with the board, in a form prescribed by the board, a return showing the total number of gallons of tax-paid diesel fuel owned by the person on November 1, 2017, the amount of the storage tax, and any other information that the board deems necessary for the proper administration of this part. The return shall be accompanied by a remittance payable to the board in the amount of tax due.

SEC. 35. Article 2.5 (commencing with Section 800) is added to Chapter 4 of Division 1 of the Streets and Highways Code, to read:

#### Article 2.5. Advance Mitigation Program

800. (a) The Advance Mitigation Program is hereby created to enhance communications between the department and stakeholders to protect natural resources through project mitigation, to meet or exceed applicable environmental requirements, to accelerate project delivery, and to fully mitigate environmental impacts from transportation infrastructure projects. The department shall consult on all activities pursuant to this article with the Department of Fish and Wildlife, including activities pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(b) Commencing with the 2017–18 fiscal year, and for a period of four years, the department shall set aside no less than thirty million dollars (\$30,000,000) annually for the Advance Mitigation Program from the annual appropriations for the State Transportation Improvement Program and the State Highway Operation and Protection Program for the planning and implementation of projects in the Advanced Mitigation Program.

(c) The annual Budget Act and subsequent legislation may establish additional provisions and requirements for the program.

SEC. 36. Chapter 2 (commencing with Section 2030) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 2. ROAD MAINTENANCE AND REHABILITATION  
PROGRAM

2030. (a) The Road Maintenance and Rehabilitation Program is hereby created to address deferred maintenance on the state highway system and the local street and road system. Funds made available by the program shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects.

(b) (1) Funds made available by the program shall be used for projects that include, but are not limited to, the following:

(A) Road maintenance and rehabilitation.

(B) Safety projects.

(C) Railroad grade separations.

(D) Complete street components, including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project.

(E) Traffic control devices.

(2) Funds made available by the program may also be used to satisfy a match requirement in order to obtain state or federal funds for projects authorized by this subdivision.

(c) To the extent possible and cost effective, and where feasible, the department and cities and counties receiving funds under the program shall use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating the streets and highways, and that exhibit reduced levels of

1 greenhouse gas emissions through material choice and construction  
2 method.

3 (d) To the extent possible and cost effective, and where feasible,  
4 the department and cities and counties receiving funds under the  
5 program shall use advanced technologies and communications  
6 systems in transportation infrastructure that recognize and  
7 accommodate advanced automotive technologies that may include,  
8 but are not necessarily limited to, charging or fueling opportunities  
9 for zero-emission vehicles, and provision of  
10 infrastructure-to-vehicle communications for transitional or full  
11 autonomous vehicle systems.

12 (e) To the extent deemed cost effective, and where feasible, in  
13 the context of both the project scope and the risk level for the asset  
14 due to global climate change, the department and cities and  
15 counties receiving funds under the program shall include features  
16 in the projects funded by the program to better adapt the asset to  
17 withstand the negative effects of climate change and make the  
18 asset more resilient to impacts such as fires, floods, and sea level  
19 rise.

20 (f) To the extent beneficial, cost effective, and practicable in  
21 the context of facility type, right-of-way, project scope, and quality  
22 of nearby alternative facilities, and where feasible, the department  
23 and cities and counties receiving funds under the program shall  
24 incorporate complete street elements into projects funded by the  
25 program, including, but not limited to, elements that improve the  
26 quality of bicycle and pedestrian facilities and that improve safety  
27 for all users of transportation facilities.

28 (g) For purposes of funds directed to the State Highway  
29 Operation and Protection Program, the guidelines and reporting  
30 provisions shall be consistent with Section 14526.5 of the  
31 Government Code.

32 (h) Guidelines adopted by the commission to facilitate the  
33 allocation of funds in the account shall be exempt from the  
34 Administrative Procedure Act (Chapter 3.5 (commencing with  
35 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
36 Code).

37 2031. The following revenues shall be deposited in the Road  
38 Maintenance and Rehabilitation Account, which is hereby created  
39 in the State Transportation Fund:

1 (a) Notwithstanding subdivision (b) of Section 2103 and  
2 pursuant to subdivision (a) of Section 2103.1, the portion of the  
3 revenues in the Highway Users Tax Account attributable to the  
4 increases in the motor vehicle fuel excise tax pursuant to  
5 subdivision (c) of Section 7360 of the Revenue and Taxation Code,  
6 as adjusted pursuant to subdivision (d) of that section.

7 (b) The revenues from the portion of the transportation  
8 improvement fee pursuant to subdivision (c) of Section 11053 of  
9 the Revenue and Taxation Code.

10 (c) The revenues from the increase in the vehicle registration  
11 fee pursuant to Section 9250.6 of the Vehicle Code, as adjusted  
12 pursuant to subdivision (b) of that section.

13 (d) Notwithstanding subdivision (b) of Section 2103 and  
14 pursuant to paragraph (2) of subdivision (b) of Section 2103.1,  
15 one-half of the revenues attributable to the increase in the diesel  
16 fuel excise tax pursuant to subdivisions (b) and (c) of Section  
17 60050 of the Revenue and Taxation Code.

18 (e) Any other revenues designated for the program.

19 2031.5. For each fiscal year, the annual Budget Act shall  
20 contain an appropriation from the Road Maintenance and  
21 Rehabilitation Account for the costs of administering this chapter.

22 2032. (a) (1) After deducting the amounts appropriated in the  
23 annual Budget Act, as provided in Section 2031.5, two hundred  
24 million dollars (\$200,000,000) of the remaining revenues deposited  
25 in the Road Maintenance and Rehabilitation Account shall be set  
26 aside annually for counties that have sought and received voter  
27 approval of taxes or that have imposed fees, including uniform  
28 developer fees as defined by subdivision (b) of Section 8879.67  
29 of the Government Code, which taxes or fees are dedicated solely  
30 to transportation improvements. The Controller shall each month  
31 set aside one-twelfth of this amount, to accumulate a total of two  
32 hundred million dollars (\$200,000,000) in each fiscal year.

33 (2) Eligible projects under this subdivision shall include, but  
34 not are limited to, sound walls for a freeway that was built prior  
35 to 1987 without sound walls and with or without high occupancy  
36 vehicle lanes if the completion of the sound walls has been deferred  
37 due to lack of available funding for at least twenty years and a  
38 noise barrier scope summary report has been completed within the  
39 last twenty years.

(3) Notwithstanding Section 13340 of the Government Code, the funds available under this subdivision in each fiscal year are hereby continuously appropriated for allocation to each eligible county and each city in the county for road maintenance and rehabilitation purposes pursuant to Section 2033.

(b) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amount allocated in subdivision (a), beginning in the 2017–18 fiscal year, one hundred million dollars (\$100,000,000) of the remaining revenues shall be available annually for expenditure, upon appropriation by the Legislature, on the Active Transportation Program created pursuant to Chapter 8 (commencing with Section 2380) of Division 3 to be allocated by the California Transportation Commission pursuant to Section 2381. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of one hundred million dollars (\$100,000,000) in each fiscal year.

(c) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amounts allocated in subdivisions (a) and (b), beginning in the 2017–18 fiscal year, four hundred million dollars (\$400,000,000) of the remaining revenues shall be available annually for expenditure, upon appropriation by the Legislature, by the department for bridge and culvert maintenance and rehabilitation. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of four hundred million dollars (\$400,000,000) in each fiscal year.

(d) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amounts allocated in subdivisions (a), (b), and (c), beginning in the 2017–18 fiscal year, twenty-five million dollars (\$25,000,000) of the remaining revenues shall be transferred annually to the State Highway Account for expenditure, upon appropriation by the Legislature, to supplement the freeway service patrol program. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of twenty-five million dollars (\$25,000,000) in each fiscal year.

(e) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amounts allocated in subdivisions (a), (b), (c), and (d), in the 2017–18, 2018–19, 2019–20, 2020–21, and 2021–22 fiscal years, from revenues in the Road Maintenance and Rehabilitation Account that are not

1 subject to Article XIX of the California Constitution, five million  
2 dollars (\$5,000,000) shall be appropriated in each fiscal year to  
3 the California Workforce Development Board to assist local  
4 agencies to implement policies to promote preapprenticeship  
5 training programs to carry out the projects that are funded by the  
6 account pursuant to Section 2038. Funds appropriated pursuant to  
7 this subdivision in the Budget Act but remaining unexpended at  
8 the end of each applicable fiscal year shall be reappropriated for  
9 the same purposes in the following year's Budget Act, but all funds  
10 appropriated or reappropriated pursuant to this subdivision in the  
11 Budget Act shall be liquidated no later than June 30, 2027.

12 (f) After deducting the amounts appropriated in the annual  
13 Budget Act pursuant to Section 2031.5 and the amounts allocated  
14 in subdivisions (a), (b), (c), (d), and (e), beginning in the 2017–18  
15 fiscal year, twenty-five million dollars (\$25,000,000) of the  
16 remaining revenues shall be available annually for expenditure,  
17 upon appropriation by the Legislature, by the department for local  
18 planning grants, as described in Section 2033.5. The Controller  
19 shall each month set aside one-twelfth of this amount, to  
20 accumulate a total of twenty-five million dollars (\$25,000,000) in  
21 each fiscal year.

22 (g) After deducting the amounts appropriated in the annual  
23 Budget Act pursuant to Section 2031.5 and the amounts allocated  
24 in subdivisions (a), (b), (c), (d), (e), and (f), beginning in the  
25 2017–18 fiscal year and each fiscal year thereafter, from the  
26 remaining revenues, five million dollars (\$5,000,000) shall be  
27 available, upon appropriation, to the University of California for  
28 the purpose of conducting transportation research and two million  
29 dollars (\$2,000,000) shall be available, upon appropriation, to the  
30 California State University for the purpose of conducting  
31 transportation research and transportation-related workforce  
32 education, training, and development. Prior to the start of each  
33 fiscal year, the Secretary of Transportation and the chairs of the  
34 Assembly Committee on Transportation and the Senate Committee  
35 on Transportation and Housing may set out a recommended priority  
36 list of research components to be addressed in the upcoming fiscal  
37 year.

38 (h) Notwithstanding Section 13340 of the Government Code,  
39 the balance of the revenues deposited in the Road Maintenance

1 and Rehabilitation Account are hereby continuously appropriated  
2 as follows:

3 (1) Fifty percent for allocation to the department for maintenance  
4 of the state highway system or for purposes of the state highway  
5 operation and protection program.

6 (2) Fifty percent for apportionment to cities and counties by the  
7 Controller pursuant to the formula in clauses (i) and (ii) of  
8 subparagraph (C) of paragraph (3) of subdivision (a) of Section  
9 2103 for the purposes authorized by this chapter.

10 2032.5. (a) It is the intent of the Legislature that the  
11 Department of Transportation and local governments are held  
12 accountable for the efficient investment of public funds to maintain  
13 the public highways, streets, and roads, and are accountable to the  
14 people through performance goals that are tracked and reported.

15 (b) The department shall annually report to the commission  
16 relative to the expenditures made with funds received pursuant to  
17 subdivision (c) of, and paragraph (1) of subdivision (g) of, Section  
18 2032, and the progress made and achievement of the performance  
19 goals outlined in subdivision (n) of Section 1 of the act adding this  
20 section.

21 (c) For each fiscal year in which the department receives an  
22 allocation of funds described in subdivision (b), the department  
23 shall submit documentation to the commission that includes a  
24 description and the location of each completed project, the amount  
25 of funds expended on the project, the completion date, and the  
26 project's estimated useful life. Annually, the commission shall  
27 evaluate the effectiveness of the department in reducing deferred  
28 maintenance and improving road conditions on the state highway  
29 system, as demonstrated by the progress made by the goals set  
30 forth in subdivision (n) of Section 1 of the act enacting this section.  
31 The commission may make recommendations for improvement  
32 and may withhold future project allocations if it determines  
33 program funds are not being appropriately spent. The commission  
34 shall annually include any findings in its annual report to the  
35 Legislature pursuant to Section 14535 of the Government Code.

36 (d) The department shall implement efficiency measures with  
37 the goal to generate at least one hundred million dollars  
38 (\$100,000,000) per year in savings to invest in maintenance and  
39 rehabilitation of the state highway system. These savings shall be  
40 reported to the commission.



1     2033. (a) On or before January 1, 2018, the commission, in  
2 cooperation with the department, transportation planning agencies,  
3 county transportation commissions, and other local agencies, shall  
4 develop guidelines for the allocation of funds pursuant to  
5 subdivision (a) of Section 2032.

6     (b) The guidelines shall be the complete and full statement of  
7 the policy, standards, and criteria that the commission intends to  
8 use to determine how these funds will be allocated.

9     (c) The commission may amend the adopted guidelines after  
10 conducting at least one public hearing.

11     2033.5. The department, from funds made available pursuant  
12 to subdivision (f) of Section 2032, shall allocate local planning  
13 grants to encourage local and regional planning that furthers state  
14 goals, including, but not limited to, the goals and best practices  
15 cited in the regional transportation guidelines adopted by the  
16 commission pursuant to Sections 14522 to 14522.3, inclusive, of  
17 the Government Code. The department shall develop a grant guide  
18 and shall consult with the State Air Resources Board, the  
19 Governor's Office of Planning and Research, and the Department  
20 of Housing and Community Development in the development of  
21 the grant guide, and shall provide status reports as it administers  
22 these funds. The grant guide shall be exempt from the  
23 Administrative Procedure Act (Chapter 3.5 (commencing with  
24 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
25 Code).

26     2034. (a) (1) Prior to receiving an apportionment of funds  
27 under the program pursuant to paragraph (2) of subdivision (h) of  
28 Section 2032 from the Controller in a fiscal year, an eligible city  
29 or county shall submit to the commission a list of projects proposed  
30 to be funded with these funds pursuant to an adopted city or county  
31 budget. All projects proposed to receive funding shall be included  
32 in a city or county budget that is adopted by the applicable city  
33 council or county board of supervisors at a regular public meeting.  
34 The list of projects proposed to be funded with these funds shall  
35 include a description and the location of each proposed project, a  
36 proposed schedule for the project's completion, and the estimated  
37 useful life of the improvement. The project list shall not limit the  
38 flexibility of an eligible city or county to fund projects in  
39 accordance with local needs and priorities so long as the projects  
40 are consistent with subdivision (b) of Section 2030.

1 (2) The commission shall report to the Controller the cities and  
2 counties that have submitted a list of projects as described in this  
3 subdivision and that are therefore eligible to receive an  
4 apportionment of funds under the program for the applicable fiscal  
5 year. The Controller, upon receipt of the report, shall apportion  
6 funds to eligible cities and counties.

7 (b) For each fiscal year, each city or county receiving an  
8 apportionment of funds shall, upon expending program funds,  
9 submit documentation to the commission that includes a description  
10 and location of each completed project, the amount of funds  
11 expended on the project, the completion date, and the estimated  
12 useful life of the improvement.

13 2036. (a) Cities and counties shall maintain their existing  
14 commitment of local funds for street, road, and highway purposes  
15 in order to remain eligible for an allocation or apportionment of  
16 funds pursuant to Section 2032.

17 (b) In order to receive an allocation or apportionment pursuant  
18 to Section 2032, the city or county shall annually expend from its  
19 general fund for street, road, and highway purposes an amount not  
20 less than the annual average of its expenditures from its general  
21 fund during the 2009–10, 2010–11, and 2011–12 fiscal years, as  
22 reported to the Controller pursuant to Section 2151. For purposes  
23 of this subdivision, in calculating a city's or county's annual  
24 general fund expenditures and its average general fund expenditures  
25 for the 2009–10, 2010–11, and 2011–12 fiscal years, any  
26 unrestricted funds that the city or county may expend at its  
27 discretion, including vehicle in-lieu tax revenues and revenues  
28 from fines and forfeitures, expended for street, road, and highway  
29 purposes shall be considered expenditures from the general fund.  
30 One-time allocations that have been expended for street and  
31 highway purposes, but which may not be available on an ongoing  
32 basis, including revenue provided under the Teeter Plan Bond Law  
33 of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1  
34 of Division 2 of Title 5 of the Government Code), may not be  
35 considered when calculating a city's or county's annual general  
36 fund expenditures.

37 (c) For any city incorporated after July 1, 2009, the Controller  
38 shall calculate an annual average expenditure for the period  
39 between July 1, 2009, and December 31, 2015, inclusive, that the  
40 city was incorporated.

1 (d) For purposes of subdivision (b), the Controller may request  
2 fiscal data from cities and counties in addition to data provided  
3 pursuant to Section 2151, for the 2009–10, 2010–11, and 2011–12  
4 fiscal years. Each city and county shall furnish the data to the  
5 Controller not later than 120 days after receiving the request. The  
6 Controller may withhold payment to cities and counties that do  
7 not comply with the request for information or that provide  
8 incomplete data.

9 (e) The Controller may perform audits to ensure compliance  
10 with subdivision (b) when deemed necessary. Any city or county  
11 that has not complied with subdivision (b) shall reimburse the state  
12 for the funds it received during that fiscal year. Any funds withheld  
13 or returned as a result of a failure to comply with subdivision (b)  
14 shall be reapportioned to the other counties and cities whose  
15 expenditures are in compliance.

16 (f) If a city or county fails to comply with the requirements of  
17 subdivision (b) in a particular fiscal year, the city or county may  
18 expend during that fiscal year and the following fiscal year a total  
19 amount that is not less than the total amount required to be  
20 expended for those fiscal years for purposes of complying with  
21 subdivision (b).

22 2037. A city or county may spend its apportionment of funds  
23 under the program on transportation priorities other than those  
24 allowable pursuant to this chapter if the city's or county's average  
25 Pavement Condition Index meets or exceeds 80.

26 2038. The California Workforce Development Board shall  
27 develop guidelines for public agencies receiving Road Maintenance  
28 and Rehabilitation Account funds to participate in, invest in, or  
29 partner with, new or existing preapprenticeship training programs  
30 established pursuant to subdivision (e) of Section 14230 of the  
31 Unemployment Insurance Code. The department and local agencies  
32 that receive Road Maintenance and Rehabilitation Account funds  
33 pursuant to this chapter shall, not later than July 1, 2023, follow  
34 the guidelines set forth by the board. The board shall also establish  
35 a preapprenticeship development and training grant program,  
36 beginning January 1, 2019, pursuant to subdivision (e) of Section  
37 14230 of the Unemployment Insurance Code. Local public agencies  
38 that receive Road Maintenance and Rehabilitation Account funds  
39 pursuant to this chapter are eligible to compete for such grants and  
40 may apply in partnership with other agencies and entities, including

1 those with existing preapprenticeship programs. Successful grant  
2 applicants shall, to the extent feasible:

3 (a) Follow the multicraft core curriculum implemented by the  
4 State Department of Education for its pilot project with the  
5 California Partnership Academies and by the California Workforce  
6 Development Board and local boards.

7 (b) Include a plan for outreach to and retention of women  
8 participants in the preapprenticeship program to help increase the  
9 representation of women in the building and construction trades.

10 (c) Include a plan for outreach to and retention of minority  
11 participants and underrepresented subgroups in the  
12 preapprenticeship program to help increase their representation in  
13 the building and construction trades.

14 (d) Include a plan for outreach to and retention of disadvantaged  
15 youth participants in the preapprenticeship program to help increase  
16 their employment opportunities in the building and construction  
17 trades.

18 (e) Include a plan for outreach to individuals in the local labor  
19 market area and to formerly incarcerated individuals to provide  
20 pathways to employment and training.

21 (f) Coordinate with local state-approved apprenticeship  
22 programs, local building trade councils, and to the extent possible  
23 the California Conservation Corps and certified community  
24 conservation corps, so individuals who have completed these  
25 programs have a pathway to continued employment.

26 SEC. 37. Section 2103.1 is added to the Streets and Highways  
27 Code, to read:

28 2103.1. (a) Notwithstanding subdivision (b) of Section 2103,  
29 the portion of revenues in the Highway Users Tax Account  
30 attributable to the increases in the motor vehicle fuel excise tax  
31 pursuant to subdivision (c) of Section 7360 of the Revenue and  
32 Taxation Code, as adjusted pursuant to subdivision (d) of that  
33 section, shall be transferred to the Road Maintenance and  
34 Rehabilitation Account pursuant to Section 2031.

35 (b) Notwithstanding subdivision (b) of Section 2103, the portion  
36 of revenues in the Highway Users Tax Account attributable to the  
37 increase in the diesel fuel excise tax pursuant to subdivision (b)  
38 of Section 60050 of the Revenue and Taxation Code, as adjusted  
39 pursuant to subdivision (c) of that section, shall be transferred as  
40 follows:

1 (1) Fifty percent to the Trade Corridors Enhancement Account  
2 pursuant to Section 2192.4.

3 (2) Fifty percent to the Road Maintenance and Rehabilitation  
4 Account pursuant to Section 2031.

5 (c) Notwithstanding subdivision (b) of Section 2103, the portion  
6 of the revenues in the Highway Users Tax Account attributable to  
7 the storage taxes imposed pursuant to Sections 7361.2 and 60050.2  
8 of the Revenue and Taxation Code shall be deposited in the Road  
9 Maintenance and Rehabilitation Account created pursuant to  
10 Section 2031.

11 SEC. 38. Section 2104 of the Streets and Highways Code is  
12 amended to read:

13 2104. Notwithstanding Section 13340 of the Government Code,  
14 a sum equal to the net revenue derived from 11.3 percent of the  
15 per gallon tax under the Motor Vehicle Fuel License Tax Law  
16 (Part 2 (commencing with Section 7301) of Division 2), 1.80 cents  
17 (\$0.0180) under the Use Fuel Tax Law (Part 3 (commencing with  
18 Section 8601) of Division 2), and 11.5 percent of the per gallon  
19 tax under the Diesel Fuel Tax Law (Part 31 (commencing with  
20 Section 60001) of Division 2) of the Revenue and Taxation Code,  
21 shall be apportioned among the counties, as follows:

22 (a) Each county shall be paid one thousand six hundred  
23 sixty-seven dollars (\$1,667) during each calendar month, which  
24 amount shall be expended exclusively for engineering costs and  
25 administrative expenses with respect to county roads.

26 (b) A sum equal to the total of all reimbursable snow removal  
27 or snow grooming, or both, costs filed pursuant to subdivision (d)  
28 of Section 2152, or seven million dollars (\$7,000,000), whichever  
29 is less, shall be apportioned in 12 approximately equal monthly  
30 apportionments for snow removal or snow grooming, or both, on  
31 county roads, as provided in Section 2110.

32 (c) A sum equal to five hundred thousand dollars (\$500,000)  
33 shall be apportioned in 12 approximately equal monthly  
34 apportionments, as provided in Section 2110.5.

35 (d) (1) Seventy-five percent of the funds payable under this  
36 section shall be apportioned among the counties monthly in the  
37 respective proportions that the number of fee-paid and exempt  
38 vehicles which are registered in each county bears to the total  
39 number of fee-paid and exempt vehicles registered in the state.

(2) For purposes of apportionment under this subdivision, the Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the Controller a verified statement showing the number of fee-paid and exempt vehicles which are registered in each county and in the state as of the last day of each calendar month as reflected by the records of the Department of Motor Vehicles.

(e) Of the remaining money payable, there shall be paid to each eligible county an amount that is computed monthly as follows: The number of miles of maintained county roads in each county shall be multiplied by sixty dollars (\$60); from the resultant amount, there shall be deducted the amount received by each county under subdivision (d) and the remainder, if any, shall be paid to each county.

(f) The remaining money payable, after the foregoing apportionments, shall be apportioned among the counties in the same proportion as the money referred to in subdivision (d).

(g) (1) Transfers of revenues from the Highway Users Tax Account to counties pursuant to this section collected during the months of March, April, May, June, and July of 2008, shall be made with the transfer of August 2008 revenues in September of 2008. This suspension shall not apply to a county with a population of less than 40,000.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a county may make use of any cash balance in its county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (hereafter bond act)) for local streets and roads maintenance, during the period of this suspension, without the use of this cash being reflected as an expenditure of bond act funds, provided the cash is replaced once this suspension is repaid in September of 2008. Counties may accrue the revenue received in September 2008 as repayment of these suspensions for the months of April, May, and June of 2008 back to the 2007–08 fiscal year. Nothing in this paragraph shall change the fact that expenditures must be accrued and reflected from the appropriate funding sources for which the moneys were received and meet all the requirements of those funding sources.

1 (h) (1) The transfer of revenues from the Highway Users Tax  
2 Account to counties pursuant to this section that are collected  
3 during the months of January, February, and March 2009, shall be  
4 made with the transfer of April 2009 revenues in May 2009.

5 (2) For the purpose of meeting the cash obligations associated  
6 with ongoing budgeted costs, a county may make use of any cash  
7 balance in its county road fund, including that resulting from the  
8 receipt of funds pursuant to the Highway Safety, Traffic Reduction,  
9 Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49  
10 (commencing with Section 8879.20) of Division 1 of Title 2 of  
11 the Government Code (bond act)) for local streets and roads  
12 maintenance during the period of this suspension, provided the  
13 cash is replaced once this suspension is repaid in May of 2009.

14 (3) This subdivision shall not affect any requirement that an  
15 expenditure is required to be accrued and reflected from the  
16 appropriate funding source for which the money was received and  
17 to meet all the requirements of its funding source.

18 SEC. 39. Section 2105 of the Streets and Highways Code is  
19 amended to read:

20 2105. Notwithstanding Section 13340 of the Government Code,  
21 in addition to the apportionments prescribed by Sections 2104,  
22 2106, and 2107, from the revenues derived from a per gallon tax  
23 imposed pursuant to Section 7360 of the Revenue and Taxation  
24 Code, and a per gallon tax imposed pursuant to Sections 8651,  
25 8651.5, and 8651.6 of the Revenue and Taxation Code, and a per  
26 gallon tax imposed pursuant to Sections 60050 and 60115 of the  
27 Revenue and Taxation Code, the following apportionments shall  
28 be made:

29 (a) A sum equal to 5.8 percent of the per gallon tax under  
30 Section 7360 of the Revenue and Taxation Code, 11.5 percent of  
31 any per gallon tax in excess of nine cents (\$0.09) per gallon under  
32 Sections 8651, 8651.5, and 8651.6 of the Revenue and Taxation  
33 Code, and 6.5 percent of the per gallon tax under Sections 60050  
34 and 60115 of the Revenue and Taxation Code, shall be apportioned  
35 among the counties, including a city and county.

36 The amount of apportionment to each county, including a city  
37 and county, during a fiscal year shall be calculated as follows:

38 (1) One million dollars (\$1,000,000) for apportionment to all  
39 counties, including a city and county, in proportion to each county's  
40 receipts during the prior fiscal year under Sections 2104 and 2106.

(2) One million dollars (\$1,000,000) for apportionment to all counties, including a city and county, as follows:

(A) Seventy-five percent in the proportion that the number of fee-paid and exempt vehicles which are registered in the county bears to the number of fee-paid and exempt vehicles registered in the state.

(B) Twenty-five percent in the proportion that the number of miles of maintained county roads in the county bears to the miles of maintained county roads in the state.

(3) For each county, determine its factor which is the higher amount calculated pursuant to paragraph (1) or (2) divided by the sum of the higher amounts for all of the counties.

(4) The amount to be apportioned to each county is equal to its factor multiplied by the amount available for apportionment.

(b) A sum equal to 5.8 percent of the per gallon tax under Section 7360 of the Revenue and Taxation Code, 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Sections 8651, 8651.5, and 8651.6 of the Revenue and Taxation Code, and 6.5 percent of the per gallon tax under Sections 60050 and 60115 of the Revenue and Taxation Code, shall be apportioned to cities, including a city and county, in the proportion that the total population of the city bears to the total population of all the cities in the state.

(c) (1) Transfers of revenues from the Highway Users Tax Account to counties or cities pursuant to this section collected during the months of March, April, May, June, and July of 2008, shall be made with the transfer of August 2008 revenues in September of 2008. This suspension shall not apply to a county with a population of less than 40,000.

(2) For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a city or county may make use of any cash balance in the city account that is designated for the receipt of state funds allocated for local streets and roads or the county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code (hereafter bond act)) for local streets and roads maintenance, during the period of this suspension, without the use of this cash being reflected as an expenditure of bond act funds, provided the



1 cash is replaced once this suspension is repaid in September of  
2 2008. Counties and cities may accrue the revenue received in  
3 September 2008 as repayment of these suspensions for the months  
4 of April, May, and June of 2008 back to the 2007–08 fiscal year.  
5 Nothing in this paragraph shall change the fact that expenditures  
6 must be accrued and reflected from the appropriate funding sources  
7 for which the moneys were received and meet all the requirements  
8 of those funding sources.

9 (d) (1) The transfer of revenues from the Highway Users Tax  
10 Account to counties or cities pursuant to this section collected  
11 during the months of January, February, and March 2009 shall be  
12 made with the transfer of April 2009 revenues in May 2009.

13 (2) For the purpose of meeting the cash obligations associated  
14 with ongoing budgeted costs, a city or county may make use of  
15 any cash balance in the city account that is designated for the  
16 receipt of state funds allocated for local streets and roads or the  
17 county road fund, including that resulting from the receipt of funds  
18 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
19 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
20 with Section 8879.20) of Division 1 of Title 2 of the Government  
21 Code (bond act)) for local streets and roads maintenance, during  
22 the period of this suspension, and the use of this cash shall not be  
23 considered as an expenditure of bond act funds, if the cash is  
24 replaced when the payments that are suspended pursuant to this  
25 subdivision are repaid in May 2009.

26 (3) This subdivision shall not affect any requirement that an  
27 expenditure is required to be accrued and reflected from the  
28 appropriate funding source for which the money was received and  
29 to meet all the requirements of its funding source.

30 SEC. 40. Section 2106 of the Streets and Highways Code is  
31 amended to read:

32 2106. Notwithstanding Section 13340 of the Government Code,  
33 a sum equal to the net revenue derived from 5.3 percent of the per  
34 gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2  
35 (commencing with Section 7301) of Division 2 of the Revenue  
36 and Taxation Code) shall be apportioned monthly from the  
37 Highway Users Tax Account in the Transportation Tax Fund  
38 among the counties and cities as follows:

1 (a) Four hundred dollars (\$400) per month shall be apportioned  
2 to each city and city and county and eight hundred dollars (\$800)  
3 per month shall be apportioned to each county and city and county.

4 (b) On the last day of each month, the sum of six hundred  
5 thousand dollars (\$600,000) shall be transferred to the State  
6 Highway Account in the State Transportation Fund for the Active  
7 Transportation Program pursuant to Chapter 8 (commencing with  
8 Section 2380). For each month in the 2013–14 fiscal year that has  
9 passed prior to the enactment of the bill adding this sentence, six  
10 hundred thousand dollars (\$600,000) shall be immediately  
11 transferred from the Bicycle Transportation Account to the State  
12 Highway Account in the State Transportation Fund for the Active  
13 Transportation Program, less any amount already expended for  
14 that program from the Bicycle Transportation Account during the  
15 2013–14 fiscal year.

16 (c) The balance shall be apportioned, as follows:

17 (1) A base sum shall be computed for each county by using the  
18 same proportions of fee-paid and exempt vehicles as are established  
19 for purposes of apportionment of funds under subdivision (d) of  
20 Section 2104.

21 (2) For each county, the percentage of the total assessed  
22 valuation of tangible property subject to local tax levies within the  
23 county which is represented by the assessed valuation of tangible  
24 property outside the incorporated cities of the county shall be  
25 applied to its base sum, and the resulting amount shall be  
26 apportioned to the county. The assessed valuation of taxable  
27 tangible property, for purposes of this computation, shall be that  
28 most recently used for countywide tax levies as reported to the  
29 Controller by the State Board of Equalization. If an incorporation  
30 or annexation is legally completed following the base sum  
31 computation, the new city's assessed valuation shall be deducted  
32 from the county's assessed valuation, the estimate of which may  
33 be provided by the State Board of Equalization.

34 (3) The difference between the base sum for each county and  
35 the amount apportioned to the county shall be apportioned to the  
36 cities of that county in the proportion that the population of each  
37 city bears to the total population of all the cities in the county.  
38 Populations used for determining apportionment of money under  
39 Section 2107 are to be used for purposes of this section.

1 (d) (1) Transfers of revenues from the Highway Users Tax  
2 Account to counties or cities pursuant to this section collected  
3 during the months of March, April, May, June, and July of 2008,  
4 shall be made with the transfer of August 2008 revenues in  
5 September of 2008. This suspension shall not apply to a county  
6 with a population of less than 40,000.

7 (2) For the purpose of meeting the cash obligations associated  
8 with ongoing budgeted costs, a city or county may make use of  
9 any cash balance in the city account that is designated for the  
10 receipt of state funds allocated for local streets and roads or the  
11 county road fund, including that resulting from the receipt of funds  
12 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
13 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
14 with Section 8879.20) of Division 1 of Title 2 of the Government  
15 Code (hereafter bond act)) for local streets and roads maintenance,  
16 during the period of this suspension, without the use of this cash  
17 being reflected as an expenditure of bond act funds, provided the  
18 cash is replaced once this suspension is repaid in September of  
19 2008. Counties and cities may accrue the revenue received in  
20 September 2008 as repayment of these suspensions for the months  
21 of April, May, and June of 2008 back to the 2007–08 fiscal year.  
22 Nothing in this paragraph shall change the fact that expenditures  
23 must be accrued and reflected from the appropriate funding sources  
24 for which the moneys were received and meet all the requirements  
25 of those funding sources.

26 (e) (1) The transfer of revenues from the Highway Users Tax  
27 Account to counties or cities pursuant to this section collected  
28 during the months of January, February, and March 2009, shall be  
29 made with the transfer of April 2009 revenues in May 2009.

30 (2) For the purpose of meeting the cash obligations associated  
31 with ongoing budgeted costs, a city or county may make use of  
32 any cash balance in the city account that is designated for the  
33 receipt of state funds allocated for local streets and roads or the  
34 county road fund, including that resulting from the receipt of funds  
35 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
36 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
37 with Section 8879.20) of Division 1 of Title 2 of the Government  
38 Code (bond act)) for local streets and roads maintenance, during  
39 the period of this suspension, and the use of this cash shall not be  
40 considered as an expenditure of bond act funds, if the cash is

1 replaced when the payments that are suspended pursuant to this  
2 subdivision are repaid in May 2009.

3 (3) This subdivision shall not affect any requirement that an  
4 expenditure is required to be accrued and reflected from the  
5 appropriate funding source for which the money was received and  
6 to meet all the requirements of its funding source.

7 SEC. 41. Section 2107 of the Streets and Highways Code is  
8 amended to read:

9 2107. (a) Notwithstanding Section 13340 of the Government  
10 Code, a sum equal to the net revenues derived from 7.3 percent of  
11 the per gallon tax under the Motor Vehicle Fuel License Tax Law  
12 (Part 2 (commencing with Section 7301) of Division 2), 2.59 cents  
13 (\$0.0259) under the Use Fuel Tax Law (Part 3 (commencing with  
14 Section 8601) of Division 2), and 11.5 percent under the Diesel  
15 Fuel Tax Law (Part 31 (commencing with Section 60001) of  
16 Division 2) of the Revenue and Taxation Code, shall be  
17 apportioned monthly to the cities and cities and counties of this  
18 state from the Highway Users Tax Account in the Transportation  
19 Tax Fund as provided in this section.

20 (b) From the sum determined pursuant to subdivision (a), the  
21 Controller shall allocate annually to each city that has filed a report  
22 containing the information prescribed by subdivision (c) of Section  
23 2152, and that had expenditures in excess of five thousand dollars  
24 (\$5,000) during the preceding fiscal year for snow removal, an  
25 amount equal to one-half of the amount of its expenditures for  
26 snow removal in excess of five thousand dollars (\$5,000) during  
27 that fiscal year.

28 (c) The balance of the sum determined pursuant to subdivision  
29 (a) from the Highway Users Tax Account shall be allocated to  
30 each city, including city and county, in the proportion that the total  
31 population of the city bears to the total population of all the cities  
32 in this state.

33 (d) (1) For the purpose of this section, except as otherwise  
34 provided in paragraph (2), the population in each city is the  
35 population determined for that city in the manner specified in  
36 Section 11005.3 of the Revenue and Taxation Code.

37 (2) Commencing with the ninth fiscal year of a city described  
38 in subdivision (a) of Section 11005.3 of the Revenue and Taxation  
39 Code, the sixth fiscal year of a city described in subdivision (b) of  
40 Section 11005.3 of the Revenue and Taxation Code, and the 61st

1 month of the city described in subdivision (c) of Section 11005.3  
2 of the Revenue and Taxation Code, the population in each city is  
3 the actual population of that city, as defined in subdivision (e) of  
4 Section 11005.3 of the Revenue and Taxation Code.

5 (e) (1) Transfers of revenues from the Highway Users Tax  
6 Account to cities pursuant to this section collected during the  
7 months of March, April, May, June, and July of 2008, shall be  
8 made with the transfer of August 2008 revenues in September of  
9 2008.

10 (2) For the purpose of meeting the cash obligations associated  
11 with ongoing budgeted costs, a city may make use of any cash  
12 balance in the city account that is designated for the receipt of state  
13 funds allocated for local streets and roads, including that resulting  
14 from the receipt of funds pursuant to the Highway Safety, Traffic  
15 Reduction, Air Quality, and Port Security Bond Act of 2006  
16 (Chapter 12.49 (commencing with Section 8879.20) of Division  
17 1 of Title 2 of the Government Code (hereafter bond act)) for local  
18 streets and roads maintenance, during the period of this suspension,  
19 without the use of this cash being reflected as an expenditure of  
20 bond act funds, provided the cash is replaced once this suspension  
21 is repaid in September of 2008. Cities may accrue the revenue  
22 received in September 2008 as repayment of these suspensions for  
23 the months of April, May, and June of 2008 back to the 2007–08  
24 fiscal year. Nothing in this paragraph shall change the fact that  
25 expenditures must be accrued and reflected from the appropriate  
26 funding sources for which the moneys were received and meet all  
27 the requirements of those funding sources.

28 (f) (1) A transfer of revenues from the Highway Users Tax  
29 Account to cities pursuant to this section collected during the  
30 months of January, February, and March 2009, shall be made with  
31 the transfer of April 2009 revenues in May 2009.

32 (2) For the purpose of meeting the cash obligations associated  
33 with ongoing budgeted costs, a city may make use of any cash  
34 balance in the city account that is designated for the receipt of state  
35 funds allocated for local streets and roads, including that resulting  
36 from the receipt of funds pursuant to the Highway Safety, Traffic  
37 Reduction, Air Quality, and Port Security Bond Act of 2006  
38 (Chapter 12.49 (commencing with Section 8879.20) of Division  
39 1 of Title 2 of the Government Code (bond act)) for local streets  
40 and roads maintenance, during the period of this suspension, and

1 the use of this cash shall not be reflected as an expenditure of bond  
2 act funds, if the cash is replaced once this suspension is repaid in  
3 May 2009.

4 (3) This subdivision shall not affect any requirement that an  
5 expenditure is required to be accrued and reflected from the  
6 appropriate funding sources for which the moneys were received  
7 and to meet all the requirements of those funding sources.

8 SEC. 42. Section 2192.4 is added to the Streets and Highways  
9 Code, to read:

10 2192.4. The Trade Corridor Enhancement Account is hereby  
11 created in the State Transportation Fund to receive funds from  
12 subdivision (b) of Section 60050 of the Revenue and Taxation  
13 Code, as adjusted. Funds in the account shall be available for  
14 expenditure upon appropriation by the Legislature for  
15 corridor-based freight projects nominated by local agencies and  
16 the state.

17 SEC. 43. The Legislature finds and declares all of the  
18 following:

19 (a) Californians know congestion. For decades, California has  
20 been home to five or six of the nation's most congested travel  
21 corridors, which are located in Los Angeles, the San  
22 Francisco-Oakland-San Jose Bay Area, the Inland Empire, San  
23 Diego, and increasingly, in the central valley. While congestion  
24 is a vexing challenge in a state that is home to nearly 40 million  
25 people and that adds nearly a half-million people each year, regions  
26 and localities are finding new ways to address congestion in highly  
27 traveled corridors by undertaking long-term, comprehensive, and  
28 multimodal approaches that seek to reduce congestion by  
29 expanding travel choices, improving the quality of life, and  
30 preserving the local community character within the corridor.

31 (b) Examples of this more comprehensive approach to improving  
32 congestion in highly traveled corridors include, but are not limited  
33 to, programs in the following regions:

34 (1) The North Coast Corridor improvements along Route 5 and  
35 the parallel rail corridor in the County of San Diego.

36 (2) The Route 91 and Metrolink rail corridor improvements in  
37 the County of Riverside.

38 (3) Emerging solutions for the Route 101 and Caltrain corridor  
39 connecting Silicon Valley with San Francisco.

1 (4) Multimodal approaches for the Route 101 and SMART rail  
2 corridor between the Counties of Marin and Sonoma.

3 (5) Comprehensive solutions for the Route 405 Corridor in the  
4 County of Los Angeles.

5 (c) The state recognizes the benefits to mobility, quality of life,  
6 and the environment through comprehensive, multimodal proposals  
7 that address mobility, community, and environmental challenges  
8 along highly traveled corridors. Therefore, the Solutions for  
9 Congested Corridors Program is being created to support  
10 collaborative and comprehensive proposals to address these  
11 challenges.

12 SEC. 44. Chapter 8.5 (commencing with Section 2390) is added  
13 to Division 3 of the Streets and Highways Code, to read:

14  
15 CHAPTER 8.5. CONGESTED CORRIDORS  
16

17 2390. The Solutions for Congested Corridors Program is hereby  
18 created.

19 2391. Pursuant to subdivision (b) of Section 11053 of the  
20 Revenue and Taxation Code, two hundred fifty million dollars  
21 (\$250,000,000) in the State Highway Account shall be available  
22 for appropriation to the Department of Transportation in each  
23 annual Budget Act for the Solutions for Congested Corridors  
24 Program. Funds made available for the program shall be allocated  
25 by the California Transportation Commission to projects designed  
26 to achieve a balanced set of transportation, environmental, and  
27 community access improvements within highly congested travel  
28 corridors throughout the state. Funding shall be available for  
29 projects that make specific performance improvements and are  
30 part of a comprehensive corridor plan designed to reduce  
31 congestion in highly traveled corridors by providing more  
32 transportation choices for residents, commuters, and visitors to the  
33 area of the corridor while preserving the character of the local  
34 community and creating opportunities for neighborhood  
35 enhancement projects. In order to mitigate increases in vehicle  
36 miles traveled, greenhouse gases, and air pollution, highway lane  
37 capacity-increasing projects funded by this program shall be limited  
38 to high-occupancy vehicle lanes, managed lanes as defined in  
39 Section 14106 of the Government Code, and other non-general  
40 purpose lane improvements primarily designed to improve safety

1 for all modes of travel, such as auxiliary lanes, truck climbing  
2 lanes, or dedicated bicycle lanes. Project elements within the  
3 corridor plans may include improvements to state highways, local  
4 streets and roads, public transit facilities, bicycle and pedestrian  
5 facilities, and restoration or preservation work that protects critical  
6 local habitat or open space.

7 2392. A regional transportation planning agency or county  
8 transportation commission or authority responsible for preparing  
9 a regional transportation improvement plan under Section 14527  
10 of the Government Code or the department may nominate projects  
11 for funding through the program that are consistent with the policy  
12 objectives of the program as set forth in this chapter. The  
13 commission shall allocate no more than one-half of the funds  
14 available each year to projects nominated exclusively by the  
15 department. Preference shall be given to corridor plans that  
16 demonstrate that the plans and the specific project improvements  
17 to be undertaken are the result of collaboration between the  
18 department and local or regional partners that reflect a  
19 comprehensive approach to addressing congestion and  
20 quality-of-life issues within the affected corridor through  
21 investment in transportation and related environmental solutions.  
22 Collaboration between the partners may be demonstrated by a  
23 project being jointly nominated by both the regional agency and  
24 the department.

25 2393. A project nomination shall include documentation  
26 regarding the quantitative and qualitative measures validating the  
27 project's consistency with the policy objectives of the program as  
28 set forth in this chapter. In addition to being included in a corridor  
29 plan, a nominated project shall also be included in the region's  
30 regional transportation plan. Projects within the boundaries of a  
31 metropolitan planning organization must be included in an adopted  
32 regional transportation plan that includes a sustainable communities  
33 strategy determined by the State Air Resources Board to achieve  
34 the region's greenhouse gas emissions reduction targets.

35 2394. The commission shall allocate program funds to projects  
36 after reviewing the corridor plans submitted by the regional  
37 agencies or the department and making a determination that a  
38 proposed project is consistent with the objectives of the corridor  
39 plan. In addition to making a consistency determination with



1 respect to project nominations, the commission shall score the  
2 proposed projects on the following criteria:

- 3 (a) Safety.
- 4 (b) Congestion.
- 5 (c) Accessibility.
- 6 (d) Economic development and job creation and retention.
- 7 (e) Furtherance of state and federal ambient air standards and  
8 greenhouse gas emissions reduction standards pursuant to the  
9 California Global Warming Solutions Act of 2006 (Division 25.5  
10 (commencing with Section 38550) of the Health and Safety Code)  
11 and Senate Bill 375 (Chapter 728 of the Statutes of 2008).
- 12 (f) Efficient land use.
- 13 (g) Matching funds.
- 14 (h) Project deliverability.

15 2395. The commission shall adopt an initial program of projects  
16 to be funded through the initial appropriation for the program. The  
17 initial program may cover a multiyear programming period.  
18 Subsequent programs of projects shall be adopted on a biennial  
19 basis consistent with available funds for the program, and may  
20 include updates to programs of projects previously adopted.

21 2396. The commission, in consultation with the State Air  
22 Resources Board, shall develop and adopt guidelines for the  
23 program consistent with the requirements of this chapter.  
24 Guidelines adopted by the commission shall be exempt from the  
25 Administrative Procedure Act (Chapter 3.5 (commencing with  
26 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
27 Code). Prior to adopting the guidelines, the commission shall  
28 conduct at least one public hearing in northern California and one  
29 public hearing in southern California to review and provide an  
30 opportunity for public comment. The commission shall adopt the  
31 final guidelines no sooner than 30 days after the commission  
32 provides the proposed guidelines to the Joint Legislative Budget  
33 Committee and the transportation policy committees in the Senate  
34 and the Assembly.

35 2397. On or before March 1, 2019, and annually thereafter, the  
36 commission shall provide project update reports on the  
37 development and implementation of the program described in this  
38 chapter in its annual report to the Legislature prepared pursuant  
39 to Section 14535 of the Government Code. A copy of the report  
40 shall be provided to the Joint Legislative Budget Committee and

1 the transportation policy committees of both houses of the  
2 Legislature. The report, at a minimum, shall include information  
3 on each project that received funding under the program, including,  
4 but not limited to, all of the following:

5 (a) A summary describing the overall progress of the project  
6 since the initial award.

7 (b) Expenditures to date for all project phase costs.

8 (c) A summary of milestones achieved during the prior year  
9 and milestones expected to be reached in the coming year.

10 (d) An assessment of how the project is meeting the quantitative  
11 and qualitative measurements identified in the project nomination,  
12 as outlined in Section 2393.

13 SEC. 45. Section 4000.15 is added to the Vehicle Code, to  
14 read:

15 4000.15. (a) Effective January 1, 2020, the department shall  
16 confirm, prior to the initial registration or the transfer of ownership  
17 and registration of a diesel-fueled vehicle with a gross vehicle  
18 weight rating of more than 14,000 pounds, that the vehicle is  
19 compliant with, or exempt from, applicable air pollution control  
20 technology requirements pursuant to Division 26 (commencing  
21 with Section 39000) of the Health and Safety Code and regulations  
22 of the State Air Resources Board adopted pursuant to that division.

23 (b) Except as otherwise provided in subdivision (c), for  
24 diesel-fueled vehicles subject to Section 43018 of the Health and  
25 Safety Code, as applied to the reduction of emissions of diesel  
26 particulate matter, oxides of nitrogen, and other criteria pollutants  
27 from in-use diesel-fueled vehicles, and Section 2025 of Title 13  
28 of the California Code of Regulations as it read January 1, 2017,  
29 or as subsequently amended:

30 (1) The department shall refuse registration, or renewal or  
31 transfer of registration, for a diesel-fueled vehicle with a gross  
32 vehicle weight rating of 14,001 pounds to 26,000 pounds for the  
33 following vehicle model years:

34 (A) Effective January 1, 2020, vehicle model years 2004 and  
35 older.

36 (B) Effective January 1, 2021, vehicle model years 2007 and  
37 older.

38 (C) Effective January 1, 2023, vehicle model years 2010 and  
39 older.

1 (2) The department shall refuse registration, or renewal or  
2 transfer of registration, for a diesel-fueled vehicle with a gross  
3 vehicle weight rating of more than 26,000 pounds for the following  
4 vehicle model years:

5 (A) Effective January 1, 2020, vehicle model years 2000 and  
6 older.

7 (B) Effective January 1, 2021, vehicle model years 2005 and  
8 older.

9 (C) Effective January 1, 2022, vehicle model years 2007 and  
10 older.

11 (D) Effective January 1, 2023, vehicle model years 2010 and  
12 older.

13 (c) (1) As determined by the State Air Resources Board,  
14 notwithstanding effective dates and vehicle model years identified  
15 in subdivision (b), the department may allow registration, or  
16 renewal or transfer of registration, for a diesel-fueled vehicle that  
17 has been reported to the State Air Resources Board, and is using  
18 an approved exemption, or is compliant with applicable air  
19 pollution control technology requirements pursuant to Division  
20 26 (commencing with Section 39000) of the Health and Safety  
21 Code and regulations of the State Air Resources Board adopted  
22 pursuant to that division, including vehicles equipped with the  
23 required model year emissions equivalent engine or otherwise  
24 using an approved compliance option.

25 (2) The State Air Resources Board shall notify the department  
26 of the vehicles allowed to be registered pursuant to this subdivision.

27 SEC. 46. Section 4156 of the Vehicle Code is amended to read:

28 4156. (a) Notwithstanding any other provision of this code,  
29 and except as provided in subdivision (b), the department in its  
30 discretion may issue a temporary permit to operate a vehicle when  
31 a payment of fees has been accepted in an amount to be determined  
32 by, and paid to the department, by the owner or other person in  
33 lawful possession of the vehicle. The permit shall be subject to the  
34 terms and conditions, and shall be valid for the period of time, that  
35 the department shall deem appropriate under the circumstances.

36 (b) (1) The department shall not issue a temporary permit  
37 pursuant to subdivision (a) to operate a vehicle for which a  
38 certificate of compliance is required pursuant to Section 4000.3,  
39 and for which that certificate of compliance has not been issued,  
40 unless the department is presented with sufficient evidence, as

1 determined by the department, that the vehicle has failed its most  
2 recent smog check inspection.

3 (2) Only one temporary permit may be issued pursuant to this  
4 subdivision to a vehicle owner in a two-year period.

5 (3) A temporary permit issued pursuant to paragraph (1) is valid  
6 for either 60 days after the expiration of the registration of the  
7 vehicle or 60 days after the date that vehicle is removed from  
8 nonoperation, whichever is applicable at the time that the temporary  
9 permit is issued.

10 (4) A temporary permit issued pursuant to paragraph (1) is  
11 subject to Section 9257.5.

12 (c) (1) The department may issue a temporary permit pursuant  
13 to subdivision (a) to operate a vehicle for which registration may  
14 be refused pursuant to Section 4000.15.

15 (2) Only one temporary permit may be issued pursuant to this  
16 subdivision for any vehicle, unless otherwise approved by the State  
17 Air Resources Board.

18 (3) A temporary permit issued pursuant to paragraph (1) is valid  
19 for either 90 days after the expiration of the registration of the  
20 vehicle or 90 days after the date that vehicle is removed from  
21 nonoperation, whichever is applicable at the time the temporary  
22 permit is issued.

23 (4) A temporary permit issued pursuant to paragraph (1) is  
24 subject to Section 9257.5.

25 SEC. 47. Section 9250.6 is added to the Vehicle Code, to read:

26 9250.6. (a) In addition to any other fees specified in this code,  
27 or the Revenue and Taxation Code, commencing July 1, 2020, a  
28 road improvement fee of one hundred dollars (\$100) shall be paid  
29 to the department for registration or renewal of registration of  
30 every zero-emission motor vehicle model year 2020 and later  
31 subject to registration under this code, except those motor vehicles  
32 that are expressly exempted under this code from payment of  
33 registration fees.

34 (b) On January 1, 2021, and every January 1 thereafter, the  
35 Department of Motor Vehicles shall adjust the road improvement  
36 fee imposed under subdivision (a) by increasing the fee in an  
37 amount equal to the increase in the California Consumer Price  
38 Index for the prior year, except the first adjustment shall cover the  
39 prior six months, as calculated by the Department of Finance, with  
40 amounts equal to or greater than fifty cents (\$0.50) rounded to the

1 highest whole dollar. The incremental change shall be added to  
2 the associated fee rate for that year.

3 (c) Any changes to the road improvement fee imposed by  
4 subdivision (a) that are enacted by legislation subsequent to July  
5 1, 2017, shall be deemed to be changes to the base fee rate for  
6 purposes of the California Consumer Price Index calculation and  
7 adjustment performed pursuant to subdivision (b).

8 (d) Revenues from the road improvement fee, after deduction  
9 of the department's administrative costs related to this section,  
10 shall be deposited in the Road Maintenance and Rehabilitation  
11 Account created pursuant to Section 2031 of the Streets and  
12 Highways Code.

13 (e) This section does not apply to a commercial motor vehicle  
14 subject to Section 9400.1.

15 (f) The road improvement fee required pursuant to this section  
16 does not apply to the initial registration after the purchase of a new  
17 zero-emission motor vehicle.

18 (g) For purposes of this section, "zero-emission motor vehicle"  
19 means a motor vehicle as described in subdivision (d) of Section  
20 44258 of the Health and Safety Code, or any other motor vehicle  
21 that is able to operate on any fuel other than gasoline or diesel fuel.

22 SEC. 48. (a) On or before January 1, 2019, the Institute for  
23 Transportation Studies at the University of California, Davis is  
24 requested to prepare and submit to the Governor and the Legislature  
25 a report that makes recommendations on potential methodologies  
26 to raise revenue from zero-emission and low-emission vehicle  
27 owners to achieve the state's transportation electrification, clean  
28 air, and climate targets established under law while also ensuring  
29 those vehicle owners pay their fair share of any costs borne by  
30 motorists to fund improvements to the transportation system.

31 (b) The report shall examine all fees, taxes, and incentives for  
32 zero- and low-emission vehicles, and other vehicles, and shall  
33 make recommendations for options that ensure the purchase and  
34 ownership of zero- and low-emission vehicles are properly  
35 incentivized to assist in meeting state clean air and climate targets,  
36 while also ensuring appropriate levels of funding for roads and  
37 transportation.

38 (c) The study shall assess annual fees on zero-emission vehicles  
39 or other vehicles not otherwise subject to state fuel excise or use  
40 taxes and compare that to the average annual state fuel excise tax

1 assessed on gasoline or diesel vehicles with equivalent fuel  
2 economy.

3 (d) The Institute shall consult with the State Air Resources  
4 Board, the Department of Transportation, the Department of Motor  
5 Vehicles, and the State Board of Equalization in preparing the  
6 report.

7 (e) This report shall be submitted in compliance with Section  
8 9795 of the Government Code.

9 SEC. 49. Guidelines adopted to implement transportation  
10 programs in this act by the California Transportation Commission,  
11 the Department of Transportation, the Transportation Agency, or  
12 any other state agency shall be exempt from the Administrative  
13 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
14 Part 1 of Division 3 of Title 2 of the Government Code).

15 SEC. 50. This act is an urgency statute necessary for the  
16 immediate preservation of the public peace, health, or safety within  
17 the meaning of Article IV of the Constitution and shall go into  
18 immediate effect. The facts constituting the necessity are:

19 In order to provide additional funding for road maintenance and  
20 rehabilitation purposes as quickly as possible, it is necessary for  
21 this act to take effect immediately.

115TH CONGRESS  
1ST SESSION

# H. R. 289

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2017

Mr. LAMALFA introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINI-**  
4 **TIONS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Guides and Outfitters Act” or the “GO Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

3 (c) DEFINITIONS.—In this Act:

4 (1) SECRETARY.—The term “Secretary”  
 5 means—

6 (A) the Secretary of the Interior, with re-  
 7 spect to a Federal land management agency  
 8 (other than the Forest Service); and

9 (B) the Secretary of Agriculture, with re-  
 10 spect to the Forest Service.

11 (2) SECRETARIES.—The term “Secretaries”  
 12 means the Secretary of the Interior and the Sec-  
 13 retary of Agriculture acting jointly.

14 **SEC. 2. SPECIAL RECREATION PERMIT AND FEE.**

15 Subsection (h) of section 803 of the Federal Lands  
 16 Recreation Enhancement Act (16 U.S.C. 6802) is amend-  
 17 ed to read as follows:

18 “(h) SPECIAL RECREATION PERMIT AND FEE.—

19 “(1) IN GENERAL.—The Secretary may—

20 “(A) issue a special recreation permit for  
 21 Federal recreational lands and waters; and

22 “(B) charge a special recreation permit fee  
 23 in connection with the issuance of the permit.



1           “(2) SPECIAL RECREATION PERMITS.—The  
2       Secretary may issue special recreation permits in the  
3       following circumstances:

4           “(A) For specialized individual and group  
5       use of Federal facilities and Federal rec-  
6       reational lands and waters, such as, but not  
7       limited to, use of special areas or areas where  
8       use is allocated, motorized recreational vehicle  
9       use, and group activities or events.

10          “(B) To recreation service providers who  
11       conduct outfitting, guiding, and other recre-  
12       ation services on Federal recreational lands and  
13       waters managed by the Forest Service, Bureau  
14       of Land Management, Bureau of Reclamation,  
15       or the United States Fish and Wildlife Service.

16          “(C) To recreation service providers who  
17       conduct recreation or competitive events, which  
18       may involve incidental sales on Federal rec-  
19       reational lands and waters managed by the For-  
20       est Service, Bureau of Land Management, Bu-  
21       reau of Reclamation, or the United States Fish  
22       and Wildlife Service.

23          “(3) REDUCTION IN FEDERAL COSTS.—To re-  
24       duce Federal costs in administering this subsection,  
25       the issuance of a new special recreation permit for

1 activities under paragraph (2) that have been con-  
 2 sidered under previous analysis or that are similar  
 3 to existing uses or are not inconsistent with ap-  
 4 proved uses shall qualify for categorical exclusions  
 5 under the National Environmental Policy Act of  
 6 1969 (42 U.S.C. 4321 et seq.).”.

7 **SEC. 3. PERMIT ACROSS MULTIPLE JURISDICTIONS.**

8 (a) IN GENERAL.—In the case of an activity requir-  
 9 ing permits pursuant to subsection (h) of section 803 of  
 10 the Federal Lands Recreation Enhancement Act (16  
 11 U.S.C. 6802) for use of lands managed by both the Forest  
 12 Service and the Bureau of Land Management—

13 (1) the Secretaries may issue a joint permit  
 14 based upon a single application to both agencies  
 15 when issuance of a joint permit based upon a single  
 16 application will lower processing and other adminis-  
 17 tration costs for the permittee, provided that the  
 18 permit applicant shall have the option to apply for  
 19 separate permits rather than a joint permit; and

20 (2) the permit application required under clause  
 21 (i) shall be—

22 (A) the application required by the lead  
 23 agency; and

24 (B) submitted to the lead agency.

1 (b) REQUIREMENTS OF THE LEAD AGENCY.—The  
2 lead agency for a permit under subsection (a) shall—

3 (1) coordinate with the associated agencies,  
4 consistent with the authority of the Secretaries  
5 under section 330 of the Department of the Interior  
6 and Related Agencies Appropriations Act, 2001 (43  
7 U.S.C. 1703), to develop and issue the single, joint  
8 permit that covers the entirety of the trip;

9 (2) in processing the joint permit application,  
10 incorporate the findings, interests, and needs of the  
11 associated agencies, provided that such coordination  
12 shall not be subject to cost recovery; and

13 (3) complete the permitting process within a  
14 reasonable time after receiving the permit applica-  
15 tion.

16 (c) EFFECT ON REGULATIONS.—Nothing in this sec-  
17 tion shall alter, expand, or limit the applicability of any  
18 Federal law (including regulations) to lands administered  
19 by the relevant Federal agencies.

20 (d) DEFINITIONS.—In this section:

21 (1) ASSOCIATED AGENCY.—The term “associ-  
22 ated agency” means an agency that manages the  
23 land on which the trip of the special recreation per-  
24 mit applicant will enter after leaving the land man-  
25 aged by the lead agency.

1           (2) LEAD AGENCY.—The term “lead agency”  
2       means the agency that manages the land on which  
3       the trip of the special recreation permit applicant  
4       will begin.

5 **SEC. 4. GUIDELINES AND PERMIT FEE CALCULATION.**

6       (a) GUIDELINES AND EXCLUSION OF CERTAIN REV-  
7 ENUES.—The Secretary shall—

8           (1) publish guidelines in the Federal Register  
9       for establishing recreation permit fees; and

10          (2) provide appropriate deductions from the fee  
11       established under paragraph (1) for—

12               (A) revenue from goods, services, and ac-  
13       tivities provided by a recreation service provider  
14       outside Federal recreational lands and waters,  
15       such as costs for transportation, lodging, and  
16       other services before or after a trip; and

17               (B) fees to be paid by permit holder under  
18       applicable law to provide services on other Fed-  
19       eral lands, if separate permits are issued to  
20       that permit holder for a single event.

21       (b) FEE CONDITIONS.—The fee charged by the Sec-  
22       retary for a permit issued under section 803(h) of the  
23       Federal Lands Recreation Enhancement Act (16 U.S.C.  
24       6802(h)) shall not exceed 3 percent of the recreational  
25       service provider’s annual gross revenue for activities au-

1 thorized by the permit on Federal lands, plus applicable  
 2 revenue additions, minus applicable revenue exclusions or  
 3 a similar flat per person fee.

4 (c) DISCLOSURE OF FEES.—A holder of a special  
 5 recreation permit may inform its customers of the various  
 6 fees charged by the Secretary under section 803(h) of the  
 7 Federal Lands Recreation Enhancement Act (16 U.S.C.  
 8 6802(h)).

9 **SEC. 5. USE OF PERMIT FEES FOR PERMIT ADMINISTRA-**  
 10 **TION.**

11 Revenues from special recreation permits issued to  
 12 recreation service providers under subparagraphs (B) and  
 13 (C) of section 803(h)(1) of the Federal Lands Recreation  
 14 Enhancement Act (16 U.S.C. 6802(h)(1)) shall be used—

15 (1) to partially offset the Secretary's direct cost  
 16 of administering the permits; and

17 (2) to improve and streamline the permitting  
 18 process.

19 **SEC. 6. ADJUSTMENT TO PERMIT USE REVIEWS.**

20 (a) IN GENERAL.—In reviewing and adjusting alloca-  
 21 tions of use for priority use permits for special uses of  
 22 Federal recreational lands and waters managed by the  
 23 Forest Service, and in renewing such permits, the Sec-  
 24 retary of Agriculture shall allocate to a permit holder the  
 25 highest amount of actual annual use over the reviewed pe-

1 riod plus 25 percent, capped at the amount of use allo-  
2 cated when the permit was issued unless additional capac-  
3 ity is available.

4 (b) WAIVER.—Use reviews under subsection (a) may  
5 be waived for periods in which circumstances that pre-  
6 vented use of assigned capacity, such as weather, fire, nat-  
7 ural disasters, wildlife displacement, business interrup-  
8 tions, and when allocations on permits include significant  
9 shoulder seasons. The authorizing office may approve non-  
10 use without reducing the number of service days assigned  
11 to the permit in such circumstances at the request of the  
12 permit holder. Approved non-use may be temporarily as-  
13 signed to other qualified permit holders when conditions  
14 warrant.

15 **SEC. 7. AUTHORIZATION OF TEMPORARY PERMITS FOR**  
16 **NEW USES FOR THE FOREST SERVICE AND**  
17 **BLM.**

18 Not later than 180 days after the date of the enact-  
19 ment of this Act, the Secretary of Agriculture and the Sec-  
20 retary of the Interior shall establish and implement a pro-  
21 gram to authorize temporary permits for new recreational  
22 uses of Federal recreational lands and waters managed by  
23 the Forest Service or the Bureau of Land Management,  
24 respectively, and to provide for the conversions of such  
25 temporary permits to long-term permits after 2 years of

1 satisfactory operation. The issuance and conversion of  
2 such permits shall be subject to subsection (h)(3) of sec-  
3 tion 803 of the Federal Lands Recreation Enhancement  
4 Act (16 U.S.C. 6802).

5 **SEC. 8. INDEMNIFICATION REQUIREMENTS.**

6 (a) INDEMNIFICATION.—A permit holder that is pro-  
7 hibited by the State from providing indemnification to the  
8 Federal Government shall be considered to be in compli-  
9 ance with indemnification requirements of the Department  
10 of the Interior and the Department of Agriculture if the  
11 permit holder carries the required minimum amount of li-  
12 ability insurance coverage or is self-insured for the same  
13 minimum amount.

14 (b) EXCULPATORY AGREEMENTS.—The Secretary  
15 shall not implement, administer or enforce any regulation  
16 or policy prohibiting the use of exculpatory agreements be-  
17 tween recreation service providers and their customers for  
18 services provided under a special recreation permit when  
19 such agreements are enforceable pursuant to the law of  
20 the State in which the permitted services are provided.

21 **SEC. 9. STREAMLINING OF PERMITTING PROCESS.**

22 (a) REGULATIONS.—Not later than 180 days after  
23 the date of the enactment of this Act, the Secretaries shall  
24 revise part 251, subpart B, of title 36 Code of Federal  
25 Regulations, and subpart 2932, of title 43, Code of Fed-

1 eral Regulations to streamline the processes for the  
2 issuance and renewal of outfitter and guide special use  
3 permits. Such amended regulations shall—

4 (1) shorten application processing times and  
5 minimize application and administration costs; and

6 (2) provide for the use of programmatic envi-  
7 ronmental assessments and categorical exclusions for  
8 environmental reviews under the National Environ-  
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
10 for the issuance or renewal of outfitter and guide  
11 and similar recreation special use permits, to the  
12 maximum extent allowable under applicable law, in-  
13 cluding, but not limited to, use of a categorical ex-  
14 clusion for the issuance of a new special recreation  
15 permit for activities under paragraph (2)(B) of sub-  
16 section (h) of section 803 of the Federal Lands  
17 Recreation Enhancement Act (16 U.S.C. 6802) that  
18 have been considered under previous analysis or that  
19 are similar to existing uses or are not inconsistent  
20 with approved uses.

21 (b) ONLINE APPLICATIONS.—To the maximum ex-  
22 tent practicable, where feasible and efficient, the Secre-  
23 taries shall make special recreation permit applications  
24 available to be filled out and submitted online.



1 **SEC. 10. COST RECOVERY REFORM.**

2 (a) REGULATORY PROCESS.—Not later than 180  
3 days after the date of enactment of this Act, the Secre-  
4 taries shall revise section 251.58 of title 36, Code of Fed-  
5 eral Regulations, and section 2932.31(e) and (f) of title  
6 43, Code of Federal Regulations, to reduce costs and mini-  
7 mize the burden of cost recovery on small businesses and  
8 adverse impacts of cost recovery on jobs in the outfitting  
9 and guiding industry and on rural economies provided,  
10 however, that nothing in the revised regulations shall fur-  
11 ther limit the Secretaries' authority to issue or renew  
12 recreation special use permits.

13 (b) DE MINIMIS EXEMPTION.—

14 (1) COST RECOVERY LIMITATION.—Any regula-  
15 tions issued by the Secretary of the Interior or the  
16 Secretary of Agriculture to establish fees to recover  
17 processing costs for recreation special use applica-  
18 tions and monitoring costs for recreation special use  
19 authorizations shall include an exemption providing  
20 that at least the first 50 hours of work necessary in  
21 any one year to process and/or monitor such an ap-  
22 plication shall not be subject to cost recovery. The  
23 application of a 50-hour credit per permit shall also  
24 apply to any monitoring fees on a per annum basis  
25 during the term of each permit.

1           (2) APPLICATION OF EXEMPTION.—An exemp-  
2       tion under paragraph (1) shall apply to the proc-  
3       essing of each recreation special use permit applica-  
4       tion and monitoring of each recreation special use  
5       authorization for which cost recovery is required, in-  
6       cluding any application or authorization requiring  
7       more than 50 hours (or such other greater number  
8       of hours specified for exemption) to process or mon-  
9       itor. In the event that the amount of work required  
10      to process such an application or monitor such an  
11      authorization exceeds the specified exemption, the  
12      amount of work for which cost recovery is required  
13      shall be reduced by the amount of the exemption.

14          (3) MULTIPLE APPLICATIONS.—In situations  
15      involving multiple recreation special use applications  
16      for similar services in the same unit or area that re-  
17      quire more than 50 hours (or such other greater  
18      number of hours specified for exemption) in the ag-  
19      gregate to process, the Secretary shall, regardless of  
20      whether the applications are solicited or unsolicited  
21      and whether there is competitive interest—

22              (A) determine the share of the aggregate  
23              amount to be allocated to each application, on  
24              an equal or prorated basis, as appropriate; and

1 (B) for each application, apply a separate  
2 exemption of up to 50 hours (or such other  
3 greater number of hours specified for exemp-  
4 tion) to the share allocated to such application.

5 (4) COST REDUCTION.—The agency processing  
6 a recreation special use application shall utilize ex-  
7 isting studies and analysis to the greatest extent  
8 practicable in order to reduce the amount of work  
9 and cost necessary to process the application.

10 (5) LIMITATION.—The Secretary of the Interior  
11 and the Secretary of Agriculture may not recover as  
12 processing costs for recreation special use applica-  
13 tions and monitoring costs for recreation special use  
14 authorizations any costs for consultations conducted  
15 under section 7 of the Endangered Species Act of  
16 1973 (16 U.S.C. 1536) or for biological monitoring  
17 on Federal recreational lands and waters under such  
18 Act for listed, proposed, or candidate species.

19 (6) WAIVER OF COST RECOVERY.—The Sec-  
20 retary of the Interior and the Secretary of Agri-  
21 culture may waive the recovery of costs for proc-  
22 essing recreation special use permit applications and  
23 renewals, on a categorical or case-by-case basis as  
24 appropriate, if the Secretary determines that—

1 (A) such costs would impose a significant  
2 economic burden on any small business or cat-  
3 egory of small businesses;

4 (B) such cost recovery could threaten the  
5 ability of an applicant or permittee to provide,  
6 in a particular area, a particular outdoor rec-  
7 reational activity that is consistent with the  
8 public interest and with applicable resource  
9 management plans; or

10 (C) prevailing economic conditions are un-  
11 favorable, such as during economic recessions,  
12 or when drought, fire, or other natural disasters  
13 have depressed economic activity in the area of  
14 operation.

15 **SEC. 11. EXTENSION OF FOREST SERVICE RECREATION**  
16 **PRIORITY USE PERMITS.**

17 Where the holder of a special use permit for outfitting  
18 and guiding that authorizes priority use has submitted a  
19 request for renewal of such permit in accordance with ap-  
20 plicable laws and regulations, the Secretary of Agriculture  
21 shall have the authority to grant the holder one or more  
22 extensions of the exiting permit for additional items not  
23 to exceed 5 years in the aggregate, as necessary to allow  
24 the Secretary to complete the renewal process and to avoid  
25 the interruption of services under such permit. Before

1 granting an extension under this section, the Secretary  
2 shall take all reasonable and appropriate steps to complete  
3 the renewal process before the expiration of the special  
4 use permit.

○

115TH CONGRESS  
1ST SESSION

# H. R. 350

To exclude vehicles used solely for competition from certain provisions of the Clean Air Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2017

Mr. MCHENRY (for himself, Mr. ABRAHAM, Mr. BOST, Mr. BUCSHON, Mr. BURGESS, Mr. CARTER of Georgia, Mr. CRAMER, Ms. FOXX, Mr. GOSAR, Mr. GRIFFITH, Mr. GROTHMAN, Mr. HUDSON, Mr. HUIZENGA, Mr. JONES, Mr. LAMALFA, Mr. LOUDERMILK, Mr. MOOLENAAR, Mr. MULLIN, Mr. PITTENGER, Mr. POSEY, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROKITA, Mr. RYAN of Ohio, Mr. WALBERG, Mrs. WALORSKI, Mrs. MIMI WALTERS of California, Mr. WESTERMAN, Mr. MCCLINTOCK, Mr. ZELDIN, Mr. NOLAN, Mr. HOLDING, Mr. BROOKS of Alabama, Mr. COOK, Mr. EMMER, Mr. RENACCI, Mr. COOPER, Mr. CUELLAR, Mr. LONG, Mr. SENSENBRENNER, Mr. BRAT, Mrs. WAGNER, Mr. TIBERI, Ms. JENKINS of Kansas, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To exclude vehicles used solely for competition from certain provisions of the Clean Air Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Recognizing the Pro-  
3 tection of Motorsports Act of 2017” or the “RPM Act of  
4 2017”.

5 **SEC. 2. FINDINGS.**

6       The Congress finds that—

7           (1) at the time the Clean Air Act was written,  
8       and each time the Clean Air Act has been amended,  
9       the intent of Congress has been, and continues to  
10      be, that vehicles manufactured for, modified for, or  
11      utilized in organized motorized racing events would  
12      not be encompassed by the Clean Air Act’s definition  
13      of “motor vehicle”;

14          (2) when Congress sought to regulate nonroad  
15      vehicles in 1990, it explicitly excluded from the defi-  
16      nition of “nonroad vehicle” any vehicle used solely  
17      for competition;

18          (3) despite the clear intent of Congress, the En-  
19      vironmental Protection Agency has cited the Clean  
20      Air Act as authority for regulating vehicles used  
21      solely for competition; and

22          (4) the Environmental Protection Agency has  
23      exceeded its statutory authority in its recent actions  
24      to regulate vehicles used solely for competition.

1 **SEC. 3. EXCLUSION OF VEHICLES USED SOLELY FOR COM-**  
2 **PETITION FROM THE ANTI-TAMPERING PRO-**  
3 **VISIONS OF THE CLEAN AIR ACT.**

4 Section 203 of the Clean Air Act (42 U.S.C. 7522)  
5 is amended by adding at the end of subsection (a) the fol-  
6 lowing: “No action with respect to any device or element  
7 of design referred to in paragraph (3) shall be treated as  
8 a prohibited act under that paragraph if the action is for  
9 the purpose of modifying a motor vehicle into a vehicle  
10 to be used solely for competition.”.

11 **SEC. 4. EXCLUSION OF VEHICLES USED SOLELY FOR COM-**  
12 **PETITION FROM THE DEFINITION OF MOTOR**  
13 **VEHICLE IN THE CLEAN AIR ACT.**

14 Section 216 of the Clean Air Act (42 U.S.C. 7550)  
15 is amended by striking “.” at the end of paragraph (2)  
16 and inserting “and that is not a vehicle used solely for  
17 competition, including any vehicle so used that was con-  
18 verted from a motor vehicle.”.

19 **SEC. 5. IMPLEMENTATION.**

20 Not later than 12 months after the date of enactment  
21 of this Act, the Administrator of the Environmental Pro-  
22 tection Agency shall finalize any regulations necessary to  
23 implement the amendments made by this Act.

○



115TH CONGRESS  
1ST SESSION

# H. R. 622

To terminate the law enforcement functions of the Forest Service and the Bureau of Land Management and to provide block grants to States for the enforcement of Federal law on Federal land under the jurisdiction of these agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. CHAFFETZ (for himself, Mr. STEWART, Mrs. LOVE, Mr. LAMALFA, Mr. AMODEI, Mr. MCCLINTOCK, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To terminate the law enforcement functions of the Forest Service and the Bureau of Land Management and to provide block grants to States for the enforcement of Federal law on Federal land under the jurisdiction of these agencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Local Enforcement for  
5       Local Lands Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COVERED LAW ENFORCEMENT AGENCY.—

4 The term “covered law enforcement agency”  
5 means—

6 (A) the Forest Service Law Enforcement  
7 and Investigations unit; and

8 (B) the Bureau of Land Management Of-  
9 fice of Law Enforcement.

10 (2) FEDERAL LAND.—The term “Federal land”  
11 means—

12 (A) any land and interest in land owned by  
13 the United States within a State and included  
14 within the National Forest System, including  
15 the National Grasslands; and

16 (B) the public lands (as defined in section  
17 103(e) of the Federal Land Policy and Manage-  
18 ment Act of 1976 (43 U.S.C. 1702(e)).

19 (3) SECRETARY CONCERNED.—The term “Sec-  
20 retary concerned” means—

21 (A) the Secretary of Agriculture, with re-  
22 spect to Federal land described in subpara-  
23 graph (A) of paragraph (2); and

24 (B) the Secretary of the Interior, with re-  
25 spect to Federal land described in subpara-  
26 graph (B) of paragraph (2).

1           (4) STATE.—The term “State” means each of  
 2           the several States and the Commonwealth of Puerto  
 3           Rico.

4           (5) UNIT OF LOCAL GOVERNMENT.—The term  
 5           “unit of local government” means—

6                   (A) any city, county, township, town, bor-  
 7                   ough, parish, village, or other general purpose  
 8                   political subdivision of a State; or

9                   (B) an Indian tribe which performs law en-  
 10                  forcement or emergency response functions as  
 11                  determined by the Secretary of the Interior.

12 **SEC. 3. TERMINATION OF FOREST SERVICE AND BUREAU**  
 13 **OF LAND MANAGEMENT AGENCY LAW EN-**  
 14 **FORCEMENT AGENCIES AND LAW ENFORCE-**  
 15 **MENT FUNCTIONS.**

16           (a) FOREST SERVICE.—Not later than September 30,  
 17 2017, the Secretary of Agriculture shall terminate the  
 18 Forest Service Law Enforcement and Investigations unit  
 19 and cease using employees of the Forest Service to per-  
 20 form law enforcement functions on Federal land.

21           (b) DEPARTMENT OF THE INTERIOR.—Not later  
 22 than September 30, 2017, the Secretary of the Interior  
 23 shall terminate the Bureau of Land Management Office  
 24 of Law Enforcement and cease using employees of the De-

1 partment of the Interior to perform law enforcement func-  
2 tions on Federal land.

3 (c) TERMINATION OF AUTHORIZATION OF APPRO-  
4 PRIATIONS.—Beginning with fiscal year 2018 and each  
5 fiscal year thereafter, no amounts are authorized to be ap-  
6 propriated to the Secretary concerned for a covered law  
7 enforcement agency or for Federal law enforcement func-  
8 tions on Federal land.

9 (d) NO EFFECT ON AUTHORITY TO CARRY FIRE-  
10 ARMS.—Nothing in this Act shall be construed to limit the  
11 authority of the Secretary concerned to authorize an em-  
12 ployee of the Forest Service or the Bureau of Land Man-  
13 agement to carry a firearm for protection while in the  
14 field.

15 **SEC. 4. BLOCK GRANTS TO STATES FOR ENFORCEMENT OF**  
16 **FEDERAL LAW ON FEDERAL LAND.**

17 (a) GRANTS REQUIRED; PURPOSE.—For fiscal year  
18 2018 and each fiscal year thereafter, the Secretary of the  
19 Interior shall make a grant to each State for the purpose  
20 of permitting the State, directly or through subgrants with  
21 units of local government in that State, to maintain law  
22 and order on Federal land, protect individuals and prop-  
23 erty on Federal land, and enforce Federal law. Grant  
24 funds shall be used only to carry out law enforcement  
25 functions on Federal land.

1 (b) DETERMINATION OF GRANT AMOUNT.—

2 (1) GRANT FORMULA.—A State shall receive a  
3 grant under subsection (a) for a fiscal year in an  
4 amount equal to the product of—

5 (A) the percentage determined under para-  
6 graph (2) for that State; and

7 (B) the total amount appropriated to the  
8 Secretary of the Interior for that fiscal year  
9 pursuant to the authorization of appropriations  
10 in subsection (d).

11 (2) STATE PERCENTAGE.—The percentage for a  
12 State for purposes of paragraph (1) for a fiscal year  
13 shall be equal to the sum of the following:

14 (A) Thirty percent of the percentage deter-  
15 mined by comparing the total acreage of Fed-  
16 eral land in that State at the end of the pre-  
17 ceding fiscal year and the total acreage of Fed-  
18 eral land in all States at the end of the pre-  
19 ceding fiscal year.

20 (B) Seventy percent of the percentage de-  
21 termined by comparing the total number of em-  
22 ployees of the covered law enforcement agencies  
23 assigned to that State as of September 30,  
24 2016, and the total number of all employees of

1           the covered law enforcement agencies as of that  
2           date.

3           (c) REPORT ON EXPENDITURES.—A State or unit of  
4 local government receiving a grant or subgrant under this  
5 section shall submit to the Secretary of the Interior an  
6 annual report—

7           (1) certifying that the grant funds were used  
8           only for the Federal land law enforcement functions  
9           specified in subsection (a);

10          (2) accounting for all expenditures incurred by  
11          the State or unit of local government in connection  
12          with performing such law enforcement functions on  
13          Federal land; and

14          (3) indicating whether grant funds were suffi-  
15          cient or insufficient to cover such expenditures.

16          (d) AUTHORIZATION OF APPROPRIATIONS.—On ac-  
17 count of the reduced costs to be incurred by the Secretary  
18 concerned as a result of the termination of the covered  
19 law enforcement agencies, for fiscal year 2018 and each  
20 fiscal year thereafter, there is authorized to be appro-  
21 priated to the Secretary of the Interior to make grants  
22 under this section—

23           (1) an amount equal to seven percent of the  
24          Forest Service budget for fiscal year 2016;

1           (2) an amount equal to five percent of the Bu-  
2       reau of Land Management budget for fiscal year  
3       2016; and

4           (3) such additional amounts as the Secretary  
5       concerned considers to be necessary for law enforce-  
6       ment functions on Federal land for a fiscal year, to  
7       be included in the materials submitted to Congress  
8       by the Secretary concerned in support of the budget  
9       of the President for that fiscal year under section  
10      1105(a) of title 31, United States Code.

11 **SEC. 5. STATE AND LOCAL AGREEMENTS FOR LAW EN-**  
12 **FORCEMENT FUNCTIONS ON FEDERAL LAND.**

13       (a) AGREEMENT REQUIRED.—As a condition of a  
14      grant or subgrant under section 4, the State or unit of  
15      local government receiving the grant or subgrant and the  
16      Secretary concerned shall enter into an agreement, con-  
17      sistent with this section, to address the maintenance of  
18      law and order and the protection of individuals and prop-  
19      erty on Federal land.

20       (b) POWERS AND DUTIES OF LAW ENFORCEMENT  
21      PERSONNEL.—The agreement under subsection (a) be-  
22      tween a State or unit of local government receiving a grant  
23      or subgrant and the Secretary concerned shall authorize  
24      designated law enforcement officers of the State or unit  
25      of local government—

1           (1) to carry firearms on Federal land;

2           (2) make arrests without warrant for any of-  
3       fense against the United States committed in the  
4       presence of the law enforcement officer, or for any  
5       felony cognizable under the laws of the United  
6       States if the law enforcement officer has reasonable  
7       grounds to believe that the individual to be arrested  
8       has committed or is committing the felony, provided  
9       the arrests occur on Federal land or within the State  
10      or local jurisdiction of the law enforcement officer or  
11      the individual to be arrested is fleeing from the Fed-  
12      eral land;

13          (3) execute any warrant or other process issued  
14      by a court or officer of competent jurisdiction for  
15      the enforcement of the provisions of any Federal law  
16      or regulation issued pursuant to law arising out of  
17      an offense committed on Federal land or, where the  
18      individual subject to the warrant or process is on  
19      Federal land, in connection with any Federal of-  
20      fense; and

21          (4) conduct investigations of offenses against  
22      the United States committed on Federal land in the  
23      absence of investigation of the offenses by any other  
24      Federal law enforcement agency having investigative



1 jurisdiction over the offense committed or with the  
2 concurrence of the other agency.

3 (c) INDEMNIFY AND SAVE HARMLESS.—The Sec-  
4 retary concerned shall waive, in any agreement under sub-  
5 section (a) with a State or unit of local government, all  
6 civil claims against the State or unit of local government  
7 and, subject to available appropriations, indemnify and  
8 save harmless the State or unit of local government from  
9 all claims by third parties for property damage or personal  
10 injury, that may arise out of law enforcement functions  
11 performed under the agreement.

12 (d) LAW ENFORCEMENT PERSONNEL NOT DEEMED  
13 FEDERAL EMPLOYEES.—

14 (1) IN GENERAL.—Except as otherwise pro-  
15 vided in this subsection, a law enforcement officer of  
16 a State or unit of local government performing law  
17 enforcement functions pursuant to an agreement  
18 under subsection (a) shall not be deemed a Federal  
19 employee and shall not be subject to the provisions  
20 of law relating to Federal employment, including  
21 those relating to hours of work, rates of compensa-  
22 tion, leave, unemployment compensation, and Fed-  
23 eral benefits.

24 (2) EXCEPTIONS.—A law enforcement officer of  
25 a State or unit of local government performing law

1 enforcement functions pursuant to an agreement  
2 under subsection (a) is deemed to be—

3 (A) a Federal employee for purposes of  
4 sections 1346(b) and 2401(b) and chapter 171  
5 of title 28, United States Code; and

6 (B) a civil service employee of the United  
7 States within the meaning of the term “em-  
8 ployee” as defined in section 8101 of title 5,  
9 United States Code, for purposes of subchapter  
10 I of chapter 81 of such title, relating to com-  
11 pensation to Federal employees for work inju-  
12 ries, and the provisions of subchapter I of chap-  
13 ter 81 of such title shall apply.

14 (e) FEDERAL INVESTIGATIVE JURISDICTION AND  
15 STATE CIVIL AND CRIMINAL JURISDICTION NOT PRE-  
16 EMPTED.—This section shall not be construed or ap-  
17 plied—

18 (1) to limit or restrict the investigative jurisdic-  
19 tion of any Federal law enforcement agency other  
20 than a covered law enforcement agency; and

21 (2) to affect any right of a State or unit of local  
22 government to exercise civil and criminal jurisdiction  
23 on Federal land.

24 (f) CONFORMING AMENDMENTS.—

1           (1) FOREST SERVICE.—Section 15003 of the  
2       National Forest System Drug Control Act of 1986  
3       (16 U.S.C. 559c) is repealed.

4           (2) BUREAU OF LAND MANAGEMENT.—Section  
5       303(c)(2) of the Federal Land Policy and Manage-  
6       ment Act of 1976 (43 U.S.C. 1733(c)(2)) is amend-  
7       ed by striking “may authorize Federal personnel or”  
8       and inserting “shall authorize”.

○

115TH CONGRESS  
1ST SESSION

# H. R. 827

To establish certain conservation and recreation areas in the State of California, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2017

Mr. VARGAS introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish certain conservation and recreation areas in the State of California, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Imperial Valley Desert  
5       Conservation and Recreation Act”.

6       **SEC. 2. TRANSFER OF LAND TO ANZA-BORREGO DESERT**  
7       **STATE PARK, CALIFORNIA.**

8       (a) IN GENERAL.—On termination of all mining  
9       claims to the land described in paragraph (2), the Sec-

1   retary shall transfer the land described in that paragraph  
2   to the State.

3       (b) DESCRIPTION OF LAND.—The land referred to in  
4   paragraph (1) is certain Bureau of Land Management  
5   land in San Diego County, California, comprising approxi-  
6   mately 934 acres, as generally depicted on the map enti-  
7   tled “Table Mountain Wilderness Study Area Proposed  
8   Transfer to the State” and dated March 17, 2015.

9       (c) MANAGEMENT.—

10       (1) IN GENERAL.—The land transferred under  
11   paragraph (1) shall be managed in accordance with  
12   the provisions of the California Wilderness Act (Cali-  
13   fornia Public Resources Code sections 5093.30–  
14   5093.40).

15       (2) WITHDRAWAL.—Subject to valid existing  
16   rights, the land transferred under paragraph (1) is  
17   withdrawn from—

18           (A) all forms of entry, appropriation, or  
19           disposal under the public land laws;

20           (B) location, entry, and patent under the  
21           mining laws; and

22           (C) disposition under all laws relating to  
23           mineral and geothermal leasing.

24       (3) REVERSION.—If the State ceases to manage  
25   the land transferred under paragraph (1) as part of

1 the State Park System or in a manner inconsistent  
2 with the California Wilderness Act (California Public  
3 Resources Code sections 5093.30–5093.40), the land  
4 shall revert to the Secretary at the discretion of the  
5 Secretary, to be managed as a Wilderness Study  
6 Area.

7 **SEC. 3. HOLTVILLE AIRPORT, IMPERIAL COUNTY.**

8 (a) IN GENERAL.—On the submission of an applica-  
9 tion by Imperial County, California, the Secretary of  
10 Transportation shall, in accordance with section 47125 of  
11 title 49, United States Code, and section 2641.1 of title  
12 43, Code of Federal Regulations (or successor regulations)  
13 seek a conveyance from the Secretary of approximately  
14 3,500 acres of Bureau of Land Management land adjacent  
15 to the Imperial County Holtville Airport (L04) for the  
16 purposes of airport expansion.

17 (b) SEGREGATION.—The Secretary (acting through  
18 the Director of the Bureau of Land Management) shall,  
19 with respect to the land to be conveyed under subsection  
20 (a)—

- 21 (1) segregate the land;
- 22 (2) endeavor to develop a joint Memorandum of  
23 Understanding with the Imperial County Board of  
24 Supervisors, the Department of Defense, and the  
25 Department of Transportation; such an agreement

1 shall not impose any obligation, term, or condition  
2 on the property owned by Imperial County; and

3 (3) prohibit the appropriation of the land  
4 until—

5 (A) the date on which a joint Memo-  
6 randum of Understanding is signed by the par-  
7 ties listed in paragraph (2);

8 (B) the date on which a notice of realty ac-  
9 tion terminates the application; and

10 (C) the date on which a document of con-  
11 veyance is published.

12 **SEC. 4. VINAGRE WASH SPECIAL MANAGEMENT AREA.**

13 (a) ESTABLISHMENT.—There is established the  
14 Vinagre Wash Special Management Area in the State, to  
15 be managed by the El Centro Field Office and the Yuma  
16 Field Office of the Bureau of Land Management.

17 (b) PURPOSE.—The purpose of the Management  
18 Area is to conserve, protect, and enhance—

19 (1) the plant and wildlife values of the Manage-  
20 ment Area; and

21 (2) the outstanding and nationally significant  
22 ecological, geological, scenic, recreational, archae-  
23 ological, cultural, historic, and other resources of the  
24 Management Area.

1       (c) BOUNDARIES.—The Management Area shall con-  
2 sist of the public land in Imperial County, California, com-  
3 prising approximately 81,880 acres, as generally depicted  
4 on the map.

5       (d) MAP; LEGAL DESCRIPTION.—

6           (1) IN GENERAL.—As soon as practicable, but  
7 not later than 3 years, after the date of enactment  
8 of this title, the Secretary shall submit a map and  
9 legal description of the Management Area to—

10                   (A) the Committee on Natural Resources  
11 of the House of Representatives; and

12                   (B) the Committee on Energy and Natural  
13 Resources of the Senate.

14           (2) EFFECT.—The map and legal description  
15 submitted under paragraph (1) shall have the same  
16 force and effect as if included in this title, except  
17 that the Secretary may correct any errors in the  
18 map and legal description.

19           (3) AVAILABILITY.—Copies of the map sub-  
20 mitted under paragraph (1) shall be on file and  
21 available for public inspection in—

22                   (A) the Office of the Director of the Bu-  
23 reau of Land Management; and

24                   (B) the appropriate office of the Bureau of  
25 Land Management in the State.



1 **SEC. 5. MANAGEMENT.**

2 (a) IN GENERAL.—The Secretary shall allow hiking,  
3 camping, hunting, and sightseeing and the use of motor-  
4 ized vehicles, mountain bikes, and horses on designated  
5 routes in the Management Area in a manner that—

6 (1) is consistent with the purpose of the Man-  
7 agement Area described in section 4(b);

8 (2) ensures public health and safety; and

9 (3) is consistent with applicable laws and regu-  
10 lations, including the Desert Renewable Energy Con-  
11 servation Plan.

12 (b) OFF-HIGHWAY VEHICLE USE.—

13 (1) IN GENERAL.—Subject to paragraphs (2)  
14 and (3) and all other applicable laws, the use of off-  
15 highway vehicles shall be permitted on routes in the  
16 Management Area generally depicted on the map.

17 (2) CLOSURE.—The Secretary may temporarily  
18 close or permanently reroute a portion of a route de-  
19 scribed in paragraph (1)—

20 (A) to prevent, or allow for restoration of,  
21 resource damage;

22 (B) to protect tribal cultural resources, in-  
23 cluding the resources identified in the tribal cul-  
24 tural resources management plan;

25 (C) to address public safety concerns; or

26 (D) as otherwise required by law.

1           (3) DESIGNATION OF ADDITIONAL ROUTES.—

2           During the 3-year period beginning on the date of  
3           enactment of this title, the Secretary—

4                   (A) shall accept petitions from the public  
5                   regarding additional routes for off-highway ve-  
6                   hicles; and

7                   (B) may designate additional routes that  
8                   the Secretary determines—

9                           (i) would provide significant or unique  
10                           recreational opportunities; and

11                           (ii) are consistent with the purposes  
12                           of the Management Area.

13           (c) WITHDRAWAL.—Subject to valid existing rights,  
14           all Federal land within the Management Area is with-  
15           drawn from—

16                   (1) all forms of entry, appropriation, or disposal  
17                   under the public land laws;

18                   (2) location, entry, and patent under the mining  
19                   laws; and

20                   (3) right-of-way, leasing, or disposition under  
21                   all laws relating to—

22                           (A) minerals; or

23                           (B) solar, wind, and geothermal energy.

24           (d) NO BUFFERS.—The establishment of the Man-  
25           agement Area shall not—

1           (1) create a protective perimeter or buffer zone  
2           around the Management Area; or

3           (2) preclude uses or activities outside the Man-  
4           agement Area that are permitted under other appli-  
5           cable laws, even if the uses or activities are prohib-  
6           ited within the Management Area.

7           (e) NOTICE OF AVAILABLE ROUTES.—The Secretary  
8           shall ensure that visitors to the Management Area have  
9           access to adequate notice relating to the availability of des-  
10          ignated routes in the Management Area through—

11           (1) the placement of appropriate signage along  
12          the designated routes;

13           (2) the distribution of maps, safety education  
14          materials, and other information that the Secretary  
15          determines to be appropriate; and

16           (3) restoration of areas that are not designated  
17          as open routes, including vertical mulching.

18          (f) STEWARDSHIP.—The Secretary, in consultation  
19          with Indian tribes and other interests, shall develop a pro-  
20          gram to provide opportunities for monitoring and steward-  
21          ship of the Management Area to minimize environmental  
22          impacts and prevent resource damage from recreational  
23          use, including volunteer assistance with—

24           (1) route signage;

25           (2) restoration of closed routes;

1           (3) protection of Management Area resources;  
2       and  
3           (4) recreation education.

4       (g) PROTECTION OF TRIBAL CULTURAL RE-  
5 SOURCES.—Not later than 2 years after the date of enact-  
6 ment of this title, the Secretary, in accordance with chap-  
7 ter 2003 of title 54, United States Code, and any other  
8 applicable law, shall—

9           (1) prepare and complete a tribal cultural re-  
10       sources survey of the Management Area; and

11          (2) consult with the Quechan Indian Nation  
12       and other Indian tribes demonstrating ancestral, cul-  
13       tural, or other ties to the resources within the Man-  
14       agement Area on the development and implementa-  
15       tion of the tribal cultural resources survey under  
16       paragraph (1).

17 **SEC. 6. POTENTIAL WILDERNESS.**

18       (a) PROTECTION OF WILDERNESS CHARACTER.—

19           (1) IN GENERAL.—The Secretary shall manage  
20       the Federal land in the Management Area described  
21       in paragraph (2) in a manner that preserves the  
22       character of the land for the eventual inclusion of  
23       the land in the National Wilderness Preservation  
24       System.

1           (2) DESCRIPTION OF LAND.—The Federal land  
2 described in this paragraph is—

3           (A) the approximately 10,860 acres of  
4 land, as generally depicted as the Indian Pass  
5 Additions on the map entitled “Vinagre Wash  
6 Proposed Special Management Area” and dated  
7 November 10, 2009;

8           (B) the approximately 17,250 acres of  
9 land, as generally depicted as Milpitas Wash  
10 Potential Wilderness on the map entitled  
11 “Vinagre Wash Proposed Special Management  
12 Area” and dated November 10, 2009;

13           (C) the approximately 11,840 acres of  
14 land, as generally depicted as Buzzards Peak  
15 Potential Wilderness on the map entitled  
16 “Vinagre Wash Proposed Special Management  
17 Area” and dated November 10, 2009; and

18           (D) the approximately 9,350 acres of land,  
19 as generally depicted as Palo Verde Mountains  
20 Potential Wilderness on the map entitled  
21 “Vinagre Wash Proposed Special Management  
22 Area” and dated November 10, 2009.

23           (3) USE OF LAND.—

24           (A) MILITARY USES.—The Secretary shall  
25 manage the Federal land in the Management

1 Area described in paragraph (2) in a manner  
2 that is consistent with the Wilderness Act (16  
3 U.S.C. 1131 et seq.), except that the Secretary  
4 may authorize use of the land by the Secretary  
5 of the Navy for Naval Special Warfare Tactical  
6 Training, including long-range small unit train-  
7 ing and navigation, vehicle concealment, and ve-  
8 hicle sustainment training, in accordance with  
9 applicable Federal laws.

10 (B) PROHIBITED USES.—The following  
11 shall be prohibited on the Federal land de-  
12 scribed in paragraph (2):

13 (i) Permanent roads.

14 (ii) Commercial enterprises.

15 (iii) Except as necessary to meet the  
16 minimum requirements for the administra-  
17 tion of the Federal land and to protect  
18 public health and safety—

19 (I) the use of mechanized vehi-  
20 cles; and

21 (II) the establishment of tem-  
22 porary roads.

23 (4) WILDERNESS DESIGNATION.—

24 (A) IN GENERAL.—The Federal land de-  
25 scribed in paragraph (2) shall be designated as

1 wilderness and as a component of the National  
2 Wilderness Preservation System on the date on  
3 which the Secretary, in consultation with the  
4 Secretary of Defense, publishes a notice in the  
5 Federal Register that all activities on the Fed-  
6 eral land that are incompatible with the Wilder-  
7 ness Act (16 U.S.C. 1131 et seq.) have termi-  
8 nated.

9 (B) DESIGNATION.—On designation of the  
10 Federal land under clause (i)—

11 (i) the land described in paragraph  
12 (2)(A) shall be incorporated in, and shall  
13 be considered to be a part of, the Indian  
14 Pass Wilderness;

15 (ii) the land described in paragraph  
16 (2)(B) shall be designated as the “Milpitas  
17 Wash Wilderness”;

18 (iii) the land described in paragraph  
19 (2)(C) shall be designated as the “Buzzard  
20 Peak Wilderness”; and

21 (iv) the land described in paragraph  
22 (2)(D) shall be incorporated in, and shall  
23 be considered to be a part of, the Palo  
24 Verde Mountains Wilderness.

1 (b) ADMINISTRATION OF WILDERNESS.—Subject to  
2 valid existing rights, the land designated as wilderness or  
3 as a wilderness addition by this title shall be administered  
4 by the Secretary in accordance with this Act and the Wil-  
5 derness Act (16 U.S.C. 1131 et seq.).

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

8 (1) MANAGEMENT AREA.—The term “Manage-  
9 ment Area” means the Vinagre Wash Special Man-  
10 agement Area.

11 (2) MAP.—The term “map” means the map en-  
12 titled “Vinagre Wash Proposed Special Management  
13 Area; Indian Pass Mountains and Palo Verde Moun-  
14 tains Potential Wilderness Additions, and Buzzards  
15 Peak, Milpitas Wash Potential Wilderness” and  
16 dated February 19, 2015.

17 (3) PUBLIC LAND.—The term “public land”  
18 has the meaning given the term “public lands” in  
19 section 103 of the Federal Land Policy and Manage-  
20 ment Act of 1976 (43 U.S.C. 1702).

21 (4) SECRETARY.—The term “Secretary” means  
22 the Secretary of the Interior.

23 (5) STATE.—The term “State” means the State  
24 of California.

○



115TH CONGRESS  
1ST SESSION

# H. R. 857

To provide for conservation and enhanced recreation activities in the  
California Desert Conservation Area, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2017

Mr. COOK introduced the following bill; which was referred to the Committee  
on Natural Resources

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## A BILL

To provide for conservation and enhanced recreation activities in the California Desert Conservation Area, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “California Off-Road Recreation and Conservation Act”.

6       (b) TABLE OF CONTENTS.—The table of contents of  
7       this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. California Off-Road Recreation and Conservation.
- Sec. 3. Visitor center.
- Sec. 4. California State school land.

Sec. 5. Designation of wild and scenic rivers.

Sec. 6. Conforming amendments.

1 **SEC. 2. CALIFORNIA OFF-ROAD RECREATION AND CON-**  
 2 **SERVATION.**

3 Public Law 103–433 (16 U.S.C. 410aaa et seq.) is  
 4 amended by adding at the end the following:

5 **“TITLE XIII—WILDERNESS**

6 **“SEC. 1301. DESIGNATION OF WILDERNESS AREAS.**

7 “(a) DESIGNATION OF WILDERNESS AREAS TO BE  
 8 ADMINISTERED BY THE BUREAU OF LAND MANAGE-  
 9 MENT.—In accordance with the Wilderness Act (16 U.S.C.  
 10 1131 et seq.) and sections 601 and 603 of the Federal  
 11 Land Policy and Management Act of 1976 (43 U.S.C.  
 12 1781, 1782), the following land in the State is designated  
 13 as wilderness areas and as components of the National  
 14 Wilderness Preservation System:

15 “(1) AVAWATZ MOUNTAINS WILDERNESS.—Cer-  
 16 tain land in the Conservation Area administered by  
 17 the Director of the Bureau of Land Management,  
 18 comprising approximately 91,800 acres, as generally  
 19 depicted on the map entitled ‘Avawatz Mountains  
 20 Proposed Wilderness’ and dated June 30, 2015, to  
 21 be known as the ‘Avawatz Mountains Wilderness’.

22 “(2) GOLDEN VALLEY WILDERNESS.—Certain  
 23 land in the Conservation Area administered by the  
 24 Director of the Bureau of Land Management, com-

prising approximately 1,250 acres, as generally depicted on the map entitled ‘Golden Valley Proposed Wilderness Additions’ and dated June 22, 2015, which shall be considered to be part of the ‘Golden Valley Wilderness’.

“(3) GREAT FALLS BASIN WILDERNESS.—

“(A) IN GENERAL.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 7,870 acres, as generally depicted on the map entitled ‘Great Falls Basin Proposed Wilderness’ and dated April 29, 2015, to be known as the ‘Great Falls Basin Wilderness’.

“(B) LIMITATIONS.—Designation of the wilderness under subparagraph (A) shall not establish a Class I Airshed under the Clean Air Act (42 U.S.C. 7401 et seq.).

“(4) KINGSTON RANGE WILDERNESS.—Certain land in the Conservation Area administered by the Bureau of Land Management, comprising approximately 53,320 acres, as generally depicted on the map entitled ‘Kingston Range Proposed Wilderness Additions’ and dated February 18, 2015, which shall

1 be considered to be a part of as the ‘Kingston Range  
2 Wilderness’.

3 “(5) SODA MOUNTAINS WILDERNESS.—Certain  
4 land in the Conservation Area, administered by the  
5 Bureau of Land Management, comprising approxi-  
6 mately 79,990 acres, as generally depicted on the  
7 map entitled ‘Soda Mountains Proposed Wilderness’  
8 and dated February 18, 2015, to be known as the  
9 ‘Soda Mountains Wilderness’.

10 “(b) DESIGNATION OF WILDERNESS AREAS TO BE  
11 ADMINISTERED BY THE NATIONAL PARK SERVICE.—In  
12 accordance with the Wilderness Act (16 U.S.C. 1131 et  
13 seq.) and sections 601 and 603 of the Federal Land Policy  
14 and Management Act of 1976 (43 U.S.C. 1781, 1782),  
15 the following land in the State is designated as wilderness  
16 areas and as components of the National Wilderness Pres-  
17 ervation System:

18 “(1) DEATH VALLEY NATIONAL PARK WILDER-  
19 NESS ADDITIONS-NORTH EUREKA VALLEY.—Certain  
20 land in the Conservation Area administered by the  
21 Director of the National Park Service, comprising  
22 approximately 11,496 acres, as generally depicted on  
23 the map entitled ‘Death Valley National Park Pro-  
24 posed Wilderness Area-North Eureka Valley’, num-  
25 bered 143/100,082C, and dated October 7, 2014,

1 which shall be considered to be a part of the Death  
2 Valley National Park Wilderness.

3 “(2) DEATH VALLEY NATIONAL PARK WILDER-  
4 NESS ADDITIONS-IBEX.—Certain land in the Con-  
5 servation Area administered by the Director of the  
6 National Park Service, comprising approximately  
7 23,650 acres, as generally depicted on the map enti-  
8 tled ‘Death Valley National Park Proposed Wilder-  
9 ness Area-Ibex’, numbered 143/100,081C, and dated  
10 October 7, 2014, which shall be considered to be a  
11 part of the Death Valley National Park Wilderness.

12 “(3) DEATH VALLEY NATIONAL PARK WILDER-  
13 NESS ADDITIONS-PANAMINT VALLEY.—Certain land  
14 in the Conservation Area administered by the Direc-  
15 tor of the National Park Service, comprising ap-  
16 proximately 4,807 acres, as generally depicted on the  
17 map entitled ‘Death Valley National Park Proposed  
18 Wilderness Area-Panamint Valley’, numbered 143/  
19 100,083C, and dated October 7, 2014, which shall  
20 be considered to be a part of the Death Valley Na-  
21 tional Park Wilderness.

22 “(4) DEATH VALLEY NATIONAL PARK WILDER-  
23 NESS ADDITIONS-WARM SPRINGS.—Certain land in  
24 the Conservation Area administered by the Director  
25 of the National Park Service, comprising approxi-

1 mately 10,485 acres, as generally depicted on the  
2 map entitled ‘Death Valley National Park Proposed  
3 Wilderness Area-Warm Spring Canyon/Galena Can-  
4 yon’, numbered 143/100,084C, and dated October 7,  
5 2014, which shall be considered to be a part of the  
6 Death Valley National Park Wilderness.

7 “(5) DEATH VALLEY NATIONAL PARK WILDER-  
8 NESS ADDITIONS-AXE HEAD.—Certain land in the  
9 Conservation Area administered by the Director of  
10 the National Park Service, comprising approximately  
11 8,638 acres, as generally depicted on the map enti-  
12 tled ‘Death Valley National Park Proposed Wilder-  
13 ness Area-Axe Head’, numbered 143/100,085C, and  
14 dated October 7, 2014, which shall be considered to  
15 be a part of the Death Valley National Park Wilder-  
16 ness.

17 “(6) DEATH VALLEY NATIONAL PARK WILDER-  
18 NESS ADDITIONS-BOWLING ALLEY.—Certain land in  
19 the Conservation Area administered by the Director  
20 of the Bureau of Land Management, comprising ap-  
21 proximately 28,923 acres, as generally depicted on  
22 the map entitled ‘Death Valley National Park Pro-  
23 posed Wilderness Area-Bowling Alley’, numbered  
24 143/128,606, and dated May 14, 2015, which shall

1 be considered to be a part of the Death Valley Na-  
2 tional Park Wilderness.

3 “(c) DESIGNATION OF WILDERNESS AREA TO BE  
4 ADMINISTERED BY THE FOREST SERVICE.—

5 “(1) IN GENERAL.—In accordance with the Wil-  
6 derness Act (16 U.S.C. 1131 et seq.), the land in  
7 the State described in paragraph (2) is designated  
8 as a wilderness area and as a component of the Na-  
9 tional Wilderness Preservation System.

10 “(2) DESCRIPTION OF LAND.—The land re-  
11 ferred to in paragraph (1) is certain land in the San  
12 Bernardino National Forest, comprising approxi-  
13 mately 7,141 acres, as generally depicted on the  
14 map entitled ‘San Gorgonio Proposed Wilderness  
15 Expansion,’ dated November 2, 2016, which shall  
16 considered to be a part of the San Gorgonio Wilder-  
17 ness.

18 “(3) FIRE MANAGEMENT AND RELATED ACTIVI-  
19 TIES.—

20 “(A) IN GENERAL.—The Secretary may  
21 carry out such activities in the wilderness area  
22 designated by paragraph (1) as are necessary  
23 for the control of fire, insects, and disease, in  
24 accordance with section 4(d)(1) of the Wilder-

1           ness Act (16 U.S.C. 1133(d)(1)) and House  
2           Report 98–40 of the 98th Congress.

3           “(B) FUNDING PRIORITIES.—Nothing in  
4           this subsection limits the provision of any fund-  
5           ing for fire or fuel management in the wilder-  
6           ness area designated by paragraph (1).

7           “(C) REVISION AND DEVELOPMENT OF  
8           LOCAL FIRE MANAGEMENT PLANS.—As soon as  
9           practicable after the date of enactment of this  
10          title, the Secretary shall amend the local fire  
11          management plans that apply to the wilderness  
12          area designated by paragraph (1).

13          “(D) ADMINISTRATION.—In accordance  
14          with subparagraph (A) and other applicable  
15          Federal law, to ensure a timely and efficient re-  
16          sponse to fire emergencies in the wilderness  
17          area designated by paragraph (1), the Secretary  
18          shall—

19                 “(i) not later than 1 year after the  
20                 date of enactment of this title, establish  
21                 agency approval procedures (including ap-  
22                 propriate delegations of authority to the  
23                 Forest Supervisor, District Manager, or  
24                 other agency officials) for responding to



1 fire emergencies in the wilderness area des-  
2 ignated by paragraph (1); and  
3 “(ii) enter into agreements with ap-  
4 propriate State or local firefighting agen-  
5 cies relating to that wilderness area.

6 **“SEC. 1302. MANAGEMENT.**

7 “(a) ADJACENT MANAGEMENT.—

8 “(1) IN GENERAL.—Nothing in this title creates  
9 any protective perimeter or buffer zone around the  
10 wilderness areas designated by section 1301.

11 “(2) ACTIVITIES OUTSIDE WILDERNESS  
12 AREAS.—

13 “(A) IN GENERAL.—The fact that an ac-  
14 tivity (including military activities) or use on  
15 land outside a wilderness area designated by  
16 section 1301 can be seen or heard within the  
17 wilderness area shall not preclude or restrict  
18 the activity or use outside the boundary of the  
19 wilderness area.

20 “(B) EFFECT ON NONWILDERNESS ACTIVI-  
21 TIES.—

22 “(i) IN GENERAL.—In any permitting  
23 proceeding (including a review under the  
24 National Environmental Policy Act of  
25 1969 (42 U.S.C. 4321 et seq.)) conducted

1 with respect to a project described in  
2 clause (ii) that is formally initiated  
3 through a notice in the Federal Register  
4 before December 31, 2013, the consider-  
5 ation of any visual, noise, or other impacts  
6 of the project on a wilderness area des-  
7 ignated by section 1301 shall be conducted  
8 based on the status of the area before des-  
9 ignation as wilderness.

10 “(ii) DESCRIPTION OF PROJECTS.—A  
11 project referred to in clause (i) is a renew-  
12 able energy project or associated energy  
13 transport facility project—

14 “(I) for which the Bureau of  
15 Land Management has received a  
16 right-of-way use application on or be-  
17 fore the date of enactment of this  
18 title; and

19 “(II) that is located outside the  
20 boundary of a wilderness area des-  
21 ignated by section 1301.

22 “(3) NO ADDITIONAL REGULATION.—Nothing  
23 in this title requires additional regulation of activi-  
24 ties on land outside the boundary of the wilderness  
25 areas.

1           “(4) EFFECT ON MILITARY OPERATIONS.—  
2       Nothing in this title alters any authority of the Sec-  
3       retary of Defense to conduct any military operations  
4       at desert installations, facilities, and ranges of the  
5       State that are authorized under any other provision  
6       of law.

7           “(5) EFFECT ON UTILITY FACILITIES AND  
8       RIGHTS-OF-WAY.—

9           “(A) IN GENERAL.—Subject to paragraph  
10       (2), nothing in this title terminates or precludes  
11       the renewal or reauthorization of any valid ex-  
12       isting right-of-way or customary operation,  
13       maintenance, repair, upgrading, or replacement  
14       activities in a right-of-way, issued, granted, or  
15       permitted to the Southern California Edison  
16       Company or predecessors, successors, or assigns  
17       of the Southern California Edison Company  
18       that is located on land included in the San  
19       Gorgonio Wilderness Area or the Sand to Snow  
20       National Monument.

21           “(B) LIMITATION.—The activities de-  
22       scribed in subparagraph (A) shall be conducted  
23       in a manner that minimizes the impact of the  
24       activities resources of the San Gorgonio Wilder-

1           ness Area or the Sand to Snow National Monu-  
2           ment.

3           “(C) APPLICABLE LAW.—In accordance  
4           with the National Environmental Policy Act of  
5           1969 (42 U.S.C. 4321 et seq.), any approval re-  
6           quired for an increase in the voltage of the  
7           Coachella distribution circuit shall require con-  
8           sideration of alternative alignments, including  
9           alignments adjacent to State Route 62.

10          “(b) MAPS; LEGAL DESCRIPTIONS.—

11           “(1) IN GENERAL.—As soon as practicable  
12           after the date of enactment of this title, the Sec-  
13           retary shall file a map and legal description of each  
14           wilderness area and wilderness addition designated  
15           by section 1301 with—

16           “(A) the Committee on Natural Resources  
17           of the House of Representatives; and

18           “(B) the Committee on Energy and Nat-  
19           ural Resources of the Senate.

20           “(2) FORCE OF LAW.—A map and legal de-  
21           scription filed under paragraph (1) shall have the  
22           same force and effect as if included in this title, ex-  
23           cept that the Secretary may correct errors in the  
24           maps and legal descriptions.

1           “(3) PUBLIC AVAILABILITY.—Each map and  
2       legal description filed under paragraph (1) shall be  
3       filed and made available for public inspection in the  
4       appropriate office of the Secretary.

5       “(c) ADMINISTRATION.—Subject to valid existing  
6       rights, the land designated as wilderness or as a wilder-  
7       ness addition by section 1301 shall be administered by the  
8       Secretary in accordance with this Act and the Wilderness  
9       Act (16 U.S.C. 1131 et seq.), except that any reference  
10      in that Act to the effective date shall be considered to be  
11      a reference to the date of enactment of this title.

12      **“SEC. 1303. RELEASE OF WILDERNESS STUDY AREAS.**

13       “(a) FINDING.—Congress finds that, for purposes of  
14      section 603 of the Federal Land Policy and Management  
15      Act of 1976 (43 U.S.C. 1782), any portion of a wilderness  
16      study area described in subsection (b) that is not des-  
17      ignated as a wilderness area or wilderness addition by sec-  
18      tion 1301 or any other Act enacted before the date of en-  
19      actment of this title has been adequately studied for wil-  
20      derness.

21       “(b) DESCRIPTION OF STUDY AREAS.—The study  
22      areas referred to in subsection (a) are—

23           “(1) the Cady Mountains Wilderness Study  
24      Area;

1           “(2) the Kingston Range Wilderness Study  
2       Area;

3           “(3) the Avawatz Mountain Wilderness Study  
4       Area;

5           “(4) the Death Valley National Park Boundary  
6       and Wilderness 17 Wilderness Study Area;

7           “(5) the Great Falls Basin Wilderness Study  
8       Area; and

9           “(6) the Soda Mountains Wilderness Study  
10      Area.

11       “(c) RELEASE.—Any portion of a wilderness study  
12   area described in subsection (b) that is not designated as  
13   a wilderness area or wilderness addition by section 1301  
14   is no longer subject to section 603(c) of the Federal Land  
15   Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

16   **“SEC. 1304. TREATMENT OF CHERRY-STEMMED ROADS.**

17       “(a) DEFINITION OF CHERRY-STEMMED ROAD.—In  
18   this section, the term ‘cherry-stemmed road’ means a road  
19   or trail that is excluded from a wilderness area or wilder-  
20   ness addition designated by section 202 by a non-wilder-  
21   ness corridor having designated wilderness on both sides,  
22   as generally depicted on the maps described in such sec-  
23   tion.

1       “(b) PROHIBITION ON CLOSURE OR TRAVEL RE-  
2       STRICTIONS ON CHERRY-STEMMED ROADS.—The Sec-  
3       retary concerned shall not—

4               “(1) close any cherry-stemmed road that is  
5       open to the public as of the date of the enactment  
6       of this Act;

7               “(2) prohibit motorized access on a cherry-  
8       stemmed road that is open to the public for motor-  
9       ized access as of the date of the enactment of this  
10      Act; or

11              “(3) prohibit mechanized access on a cherry-  
12      stemmed road that is open to the public for mecha-  
13      nized access as of the date of the enactment of this  
14      Act.

15      “(c) RESOURCE PROTECTION OR PUBLIC SAFETY  
16      EXCEPTIONS.—Subsection (b) shall not apply to a cherry-  
17      stemmed road if the Secretary concerned determines that  
18      a closure or traffic restriction of the cherry-stemmed road  
19      is necessary for purposes of significant resource protection  
20      or public safety.

1       **“TITLE XIV—NATIONAL PARK**  
2               **SYSTEM ADDITIONS**

3       **“SEC. 1401. DEATH VALLEY NATIONAL PARK BOUNDARY RE-**  
4               **VISION.**

5               “(a) IN GENERAL.—The boundary of Death Valley  
6 National Park is adjusted to include—

7                       “(1) the approximately 28,923 acres of Bureau  
8 of Land Management land in Inyo County, Cali-  
9 fornia, abutting the southern end of the Death Val-  
10 ley National Park that lies between Death Valley  
11 National Park to the north and Ft. Irwin Military  
12 Reservation to the south and which runs approxi-  
13 mately 34 miles from west to east, as depicted on  
14 the map entitled ‘Death Valley National Park Pro-  
15 posed Boundary Addition-Bowling Alley’, numbered  
16 143/128,605, and dated May 14, 2015; and

17                       “(2) the approximately 6,369 acres of Bureau  
18 of Land Management land in Inyo County, Cali-  
19 fornia, located in the northeast area of Death Valley  
20 National Park that is within, and surrounded by,  
21 land under the jurisdiction of the Director of the  
22 National Park Service, as depicted on the map enti-  
23 tled ‘Death Valley National Park Proposed Bound-  
24 ary Addition-Crater’, numbered 143/100,079C, and  
25 dated October 7, 2014.



1       “(b) AVAILABILITY OF MAP.—The maps described in  
2 paragraphs (1) and (2) of subsection (a) shall be on file  
3 and available for public inspection in the appropriate of-  
4 fices of the National Park Service.

5       “(c) ADMINISTRATION.—The Secretary of the Inte-  
6 rior (referred to in this title as the ‘Secretary’) shall—

7               “(1) administer any land added to Death Valley  
8 National Park under subsection (a)—

9                       “(A) as part of Death Valley National  
10 Park; and

11                      “(B) in accordance with applicable laws  
12 (including regulations); and

13               “(2) not later than 180 days after the date of  
14 enactment of this Act, enter into a memorandum of  
15 understanding with Inyo County, California, to per-  
16 mit operationally feasible, ongoing access and use  
17 (including, but not limited to, material storage as  
18 well as excavation) to gravel pits in existence as of  
19 that date along Saline Valley Road within Death  
20 Valley National Park for road maintenance and re-  
21 pairs in accordance with applicable laws (including  
22 regulations).

23 **“SEC. 1402. MOJAVE NATIONAL PRESERVE.**

24       “The boundary of the Mojave National Preserve is  
25 adjusted to include the 25 acres of Bureau of Land Man-

1 agement land in Baker, California, as depicted on the map  
2 entitled ‘Mojave National Preserve Proposed Boundary  
3 Addition’, numbered 170/100,199, and dated August  
4 2009.

5 **“SEC. 1403. JOSHUA TREE NATIONAL PARK BOUNDARY RE-**  
6 **VISION.**

7 “(a) IN GENERAL.—The boundary of the Joshua  
8 Tree National Park is adjusted to include—

9 “(1) the 2,879 acres of land managed by Direc-  
10 tor of the Bureau of Land Management that are  
11 contiguous at several different places to the northern  
12 boundaries of Joshua Tree National Park in the  
13 northwest section of the Park, as depicted on the  
14 map entitled ‘Joshua Tree National Park Proposed  
15 Boundary Additions’, numbered 156/100,077, and  
16 dated August 2009; and

17 “(2) the 1,639 acres of land to be acquired  
18 from the Mojave Desert Land Trust that are contig-  
19 uous at several different places to the northern  
20 boundaries of Joshua Tree National Park in the  
21 northwest section of the Park, as depicted on the  
22 map entitled ‘Mojave Desert Land Trust National  
23 Park Service Additions’, numbered 156/126,376,  
24 and dated September 2014.

1       “(b) AVAILABILITY OF MAPS.—The map described in  
2 subsection (a) and the map depicting the 25 acres de-  
3 scribed in subsection (c)(2) shall be on file and available  
4 for public inspection in the appropriate offices of the Na-  
5 tional Park Service.

6       “(c) ADMINISTRATION.—

7           “(1) IN GENERAL.—The Secretary shall admin-  
8 ister any land added to the Joshua Tree National  
9 Park under subsection (a) and the additional land  
10 described in paragraph (2)—

11           “(A) as part of Joshua Tree National  
12 Park; and

13           “(B) in accordance with applicable laws  
14 (including regulations).

15       “(2) DESCRIPTION OF ADDITIONAL LAND.—The  
16 additional land referred to in paragraph (1) is the  
17 25 acres of land—

18           “(A) depicted on the map entitled ‘Joshua  
19 Tree National Park Boundary Adjustment  
20 Map’, numbered 156/80,049, and dated April 1,  
21 2003;

22           “(B) added to Joshua Tree National Park  
23 by the notice of the Department of the Interior  
24 of August 28, 2003 (68 Fed. Reg. 51799); and

1                   “(C) more particularly described as lots  
 2                   26, 27, 28, 33, and 34 in sec. 34, T. 1 N., R.  
 3                   8 E., San Bernardino Meridian.

4                   “(d) SOUTHERN CALIFORNIA EDISON COMPANY EN-  
 5                   ERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

6                   “(1) IN GENERAL.—Nothing in this title termi-  
 7                   nates any valid right-of-way for the customary oper-  
 8                   ation, maintenance, upgrade, repair, relocation with-  
 9                   in an existing right-of-way, replacement, or other au-  
 10                  thorized energy transport facility activities in a  
 11                  right-of-way issued, granted, or permitted to the  
 12                  Southern California Edison Company or the prede-  
 13                  cessors, successors, or assigns of the Southern Cali-  
 14                  fornia Edison Company that is located on land de-  
 15                  scribed in paragraphs (1) and (2) of subsection (a),  
 16                  including, at a minimum, the use of mechanized ve-  
 17                  hicles, helicopters, or other aerial devices.

18                  “(2) UPGRADES AND REPLACEMENTS.—Noth-  
 19                  ing in this title prohibits the upgrading or replace-  
 20                  ment of—

21                  “(A) Southern California Edison Company  
 22                  energy transport facilities, including the energy  
 23                  transport facilities referred to as the Jellystone,  
 24                  Burnt Mountain, Whitehorn, Allegra, and Utah  
 25                  distribution circuits rights-of-way; or

1           “(B) an energy transport facility in rights-  
2           of-way issued, granted, or permitted by the Sec-  
3           retary adjacent to Southern California Edison  
4           Joshua Tree Utility Facilities.

5           “(3) PUBLICATION OF PLANS.—Not later than  
6           the date that is 1 year after the date of enactment  
7           of this title or the issuance of a new energy trans-  
8           port facility right-of-way within the Joshua Tree Na-  
9           tional Park, whichever is earlier, the Secretary, in  
10          consultation with the Southern California Edison  
11          Company, shall publish plans for regular and emer-  
12          gency access by the Southern California Edison  
13          Company to the rights-of-way of the Southern Cali-  
14          fornia Edison Company within Joshua Tree Na-  
15          tional Park.

16   **“TITLE       XV—NATIONAL       OFF-**  
17       **HIGHWAY   VEHICLE   RECRE-**  
18       **ATION AREAS**

19   **“SEC. 1501. DESIGNATION OF NATIONAL OFF-HIGHWAY VE-**  
20       **HICLE RECREATION AREAS.**

21          “(a) DESIGNATION.—In accordance with the Federal  
22   Land Policy and Management Act of 1976 (43 U.S.C.  
23   1701 et seq.) and resource management plans developed  
24   under this title and subject to valid rights, the following  
25   land within the Conservation Area in San Bernardino

1 County, California, is designated as National Off-Highway  
2 Vehicle Recreation Areas:

3 “(1) DUMONT DUNES NATIONAL OFF-HIGHWAY  
4 VEHICLE RECREATION AREA.—Certain Bureau of  
5 Land Management land in the Conservation Area,  
6 comprising approximately 7,630 acres, as generally  
7 depicted on the map entitled ‘Dumont Dunes Pro-  
8 posed National OHV Recreation Area’ and dated  
9 June 29, 2015, which shall be known as the ‘Du-  
10 mont Dunes National Off-Highway Vehicle Recre-  
11 ation Area’.

12 “(2) EL MIRAGE NATIONAL OFF-HIGHWAY VE-  
13 HICLE RECREATION AREA.—Certain Bureau of Land  
14 Management land in the Conservation Area, com-  
15 prising approximately 14,930 acres, as generally de-  
16 picted on the map entitled ‘El Mirage Proposed Na-  
17 tional OHV Recreation Area’ and dated January 4,  
18 2017, which shall be known as the ‘El Mirage Na-  
19 tional Off-Highway Vehicle Recreation Area’.

20 “(3) RASOR NATIONAL OFF-HIGHWAY VEHICLE  
21 RECREATION AREA.—Certain Bureau of Land Man-  
22 agement land in the Conservation Area, comprising  
23 approximately 23,910 acres, as generally depicted on  
24 the map entitled ‘Rasor Proposed National OHV  
25 Recreation Area’ and dated February 15, 2015,

1       which shall be known as the ‘Rasor National Off-  
2       Highway Vehicle Recreation Area’.

3               “(4) SPANGLER HILLS NATIONAL OFF-HIGHWAY  
4       VEHICLE RECREATION AREA.—Certain Bureau of  
5       Land Management land in the Conservation Area,  
6       comprising approximately 56,140 acres, as generally  
7       depicted on the map entitled ‘Spangler Hills Pro-  
8       posed National OHV Recreation Area’ and dated  
9       January 4, 2017, which shall be known as the  
10      ‘Spangler Hills National Off-Highway Vehicle Recre-  
11      ation Area’.

12              “(5) STODDARD VALLEY NATIONAL OFF-HIGH-  
13      WAY VEHICLE RECREATION AREA.—Certain Bureau  
14      of Land Management land in the Conservation Area,  
15      comprising approximately 40,110 acres, as generally  
16      depicted on the map entitled ‘Stoddard Valley Pro-  
17      posed National OHV Recreation Area’ and dated  
18      February 18, 2015, which shall be known as the  
19      ‘Stoddard Valley National Off-Highway Vehicle  
20      Recreation Area’.

21              “(b) REDESIGNATION AND EXPANSION OF JOHNSON  
22      VALLEY NATIONAL OFF-HIGHWAY VEHICLE RECREATION  
23      AREA.—

24              “(1) REDESIGNATION.—The Johnson Valley  
25      Off-Highway Vehicle Recreation Area designated by

1 section 2945 of the Military Construction Authoriza-  
2 tion Act for Fiscal Year 2014 (division B of Public  
3 Law 113–66; 127 Stat. 1038)—

4 “(A) is hereby redesignated as the Johnson  
5 Valley National Off-Highway Vehicle Recreation  
6 Area; and

7 “(B) is expanded to include all of the land,  
8 approximately 11,300 acres, depicted as the  
9 ‘Proposed Johnson Valley National Off-High-  
10 way Vehicle Recreation Area Additions’ on the  
11 map entitled ‘Johnson Valley National Off-  
12 Highway Vehicle Recreation Area’ and dated  
13 November 30, 2016.

14 “(2) RELATION TO AUTHORIZED NAVY USE.—

15 The redesignation of the Johnson Valley Off-High-  
16 way Vehicle Recreation Area as the Johnson Valley  
17 National Off-Highway Vehicle Recreation Area does  
18 not alter or interfere with the rights and obligations  
19 of the Navy regarding the use of portions of the  
20 Recreation Area as provided in subtitle C of title  
21 XXIX of the Military Construction Authorization  
22 Act for Fiscal Year 2014 (division B of Public Law  
23 113–66; 127 Stat. 1034).

24 “(3) REFERENCES.—Any reference in any law,  
25 regulation, document, record, map, or other paper of



1 the United States to the Johnson Valley Off-High-  
2 way Vehicle Recreation Area is deemed to be a ref-  
3 erence to the Johnson Valley National Off-Highway  
4 Vehicle Recreation Area.

5 “(c) PURPOSE.—The purpose of the national off-  
6 highway vehicle recreation areas designated under sub-  
7 sections (a) and (b) is to preserve and enhance the rec-  
8 reational opportunities within the Conservation Area (in-  
9 cluding opportunities for off-highway vehicle recreation),  
10 while conserving the wildlife and other natural resource  
11 values of the Conservation Area.

12 “(d) MAPS AND DESCRIPTIONS.—

13 “(1) PREPARATION AND SUBMISSION.—As soon  
14 as practicable after the date of enactment of this  
15 title, the Secretary shall file a map and legal de-  
16 scription of each national off-highway vehicle recre-  
17 ation area designated or expanded by subsections (a)  
18 or (b) with—

19 “(A) the Committee on Natural Resources  
20 of the House of Representatives; and

21 “(B) the Committee on Energy and Nat-  
22 ural Resources of the Senate.

23 “(2) LEGAL EFFECT.—The map and legal de-  
24 scriptions of the national off-highway vehicle recre-  
25 ation areas filed under paragraph (1) shall have the

1 same force and effect as if included in this title, ex-  
2 cept that the Secretary may correct errors in the  
3 map and legal descriptions.

4 “(3) PUBLIC AVAILABILITY.—Each map and  
5 legal description filed under paragraph (1) shall be  
6 filed and made available for public inspection in the  
7 appropriate offices of the Bureau of Land Manage-  
8 ment.

9 “(e) USE OF THE LAND.—

10 “(1) RECREATIONAL ACTIVITIES.—

11 “(A) IN GENERAL.—The Secretary shall  
12 continue to authorize, maintain, and enhance  
13 the recreational uses of the national off-highway  
14 vehicle recreation areas designated or expanded  
15 by subsections (a) and (b), including off-high-  
16 way recreation, hiking, camping, hunting,  
17 mountain biking, sightseeing, rockhounding,  
18 and horseback riding, as long as the rec-  
19 reational use is consistent with this section and  
20 any other applicable law.

21 “(B) OFF-HIGHWAY VEHICLE AND OFF-  
22 HIGHWAY RECREATION.—To the extent con-  
23 sistent with applicable Federal law (including  
24 regulations) and this section, any authorized  
25 recreation activities and use designations in ef-

fect on the date of enactment of this title and applicable to the national off-highway vehicle recreation areas designated or expanded by subsections (a) and (b) shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

“(2) WILDLIFE GUZZLERS.—Wildlife guzzlers shall be allowed in the national off-highway vehicle recreation areas designated by subsection (a) in accordance with—

“(A) applicable Bureau of Land Management guidelines; and

“(B) State law.

“(3) PROHIBITED USES.—

“(A) IN GENERAL.—Commercial development (including development of energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the national off-highway vehicle recreation areas designated by subsections (a) and (b) if the Secretary determines that the development is incompatible with the purpose of this title.

1           “(B) EXCEPTION FOR TEMPORARY PER-  
 2           MITTED VENDORS.—Subparagraph (A) does not  
 3           prohibit a commercial vendor from establishing,  
 4           pursuant to a temporary permit, a site in the  
 5           national off-highway vehicle recreation areas for  
 6           the purpose of providing accessories and other  
 7           support for off-highway vehicles and vehicles  
 8           used for accessing the area.

9           “(f) ADMINISTRATION.—

10           “(1) IN GENERAL.—The Secretary shall admin-  
 11           ister the national off-highway vehicle recreation  
 12           areas designated by subsections (a) and (b) in ac-  
 13           cordance with—

14           “(A) this title;

15           “(B) the Federal Land Policy and Man-  
 16           agement Act of 1976 (43 U.S.C. 1701 et seq.);  
 17           and

18           “(C) any other applicable laws (including  
 19           regulations).

20           “(2) MANAGEMENT PLAN.—

21           “(A) IN GENERAL.—As soon as prac-  
 22           ticable, but not later than 3 years after the date  
 23           of enactment of this title, the Secretary shall—

24           “(i) amend existing resource manage-  
 25           ment plans applicable to the land des-

1           ignated as national off-highway vehicle  
2           recreation areas under subsection (a); or

3           “(ii) develop new management plans  
4           for each national off-highway vehicle recre-  
5           ation area designated under that sub-  
6           section.

7           “(B) REQUIREMENTS.—All new or amend-  
8           ed plans under subparagraph (A) shall be de-  
9           signed to preserve and enhance safe off-highway  
10          vehicle and other recreational opportunities  
11          within the applicable recreation area consistent  
12          with—

13           “(i) the purpose described in sub-  
14           section (c); and

15           “(ii) any applicable laws (including  
16           regulations).

17          “(C) INTERIM PLANS.—Pending comple-  
18          tion of a new management plan under subpara-  
19          graph (A), the existing resource management  
20          plans shall govern the use of the applicable na-  
21          tional off-highway vehicle recreation area.

22          “(g) STUDY.—

23           “(1) IN GENERAL.—As soon as practicable, but  
24          not later than 2 years, after the date of enactment  
25          of this title, the Secretary shall complete a study to

1 identify Bureau of Land Management land within  
2 the Conservation Area that is suitable for addition  
3 to—

4 “(A) the national off-highway vehicle recre-  
5 ation areas designated by subsection (a) and  
6 (b); or

7 “(B) the Johnson Valley National Off-  
8 Highway Vehicle Recreation Area designated by  
9 section 2945 of the National Defense Author-  
10 ization Act for Fiscal Year 2014 (Public Law  
11 113–66; 127 Stat. 1038).

12 “(2) STUDY AREAS.—The study required under  
13 paragraph (1) shall include—

14 “(A) certain Bureau of Land Management  
15 land in the Conservation Area, comprising ap-  
16 proximately 41,000 acres, as generally depicted  
17 on the map entitled ‘Spangler Hills Proposed  
18 National OHV Recreation Area’ and dated Jan-  
19 uary 4, 2017; and

20 “(B) certain Bureau of Land Management  
21 land in the Conservation Area, comprising ap-  
22 proximately 680 acres, as generally depicted on  
23 the map entitled ‘El Mirage Proposed National  
24 OHV Recreation Area’ and dated January 21,  
25 2017.

1           “(C) certain Bureau of Land Management  
2           land in the Conservation Area, comprising ap-  
3           proximately 10,300 acres, as generally depicted  
4           on the map entitled ‘Johnson Valley National  
5           Off-Highway Vehicle Recreation Area’ and  
6           dated November 30, 2016.

7           “(3) REQUIREMENTS.—In preparing the study  
8           under paragraph (1), the Secretary shall—

9           “(A) seek input from stakeholders, includ-  
10          ing—

11                  “(i) the State, including—

12                          “(I) the California Public Utili-  
13                          ties Commission; and

14                          “(II) the California Energy Com-  
15                          mission;

16                          “(ii) San Bernardino County, Cali-  
17                          fornia;

18                          “(iii) the public;

19                          “(iv) recreational user groups;

20                          “(v) conservation organizations;

21                          “(vi) the Southern California Edison  
22                          Company;

23                          “(vii) the Pacific Gas and Electric  
24                          Company; and

1 “(viii) other Federal agencies, includ-  
2 ing the Department of Defense;

3 “(B) explore the feasibility of—

4 “(i) expanding the southern boundary  
5 of the national off-highway vehicle recre-  
6 ation area described in subsection (a)(3) to  
7 include previously disturbed land; and

8 “(ii) establishing a right of way for  
9 OHV use in the area identified in (g)(2),  
10 to the extent necessary to connect the non-  
11 contiguous areas of the Johnson Valley  
12 National Off-Highway Vehicle Recreation  
13 Area;

14 “(C) identify and exclude from consider-  
15 ation any land that—

16 “(i) is managed for conservation pur-  
17 poses;

18 “(ii) is identified as critical habitat  
19 for a listed species;

20 “(iii) may be suitable for renewable  
21 energy development; or

22 “(iv) may be necessary for energy  
23 transmission; and

24 “(D) not recommend or approve expansion  
25 of national off-highway vehicle recreation areas



1 within the Conservation Area that collectively  
2 would exceed the total acres administratively  
3 designated for off-highway recreation within the  
4 Conservation Area as of the day before the date  
5 of enactment of the National Defense Author-  
6 ization Act for Fiscal Year 2014 (Public Law  
7 113–66; 127 Stat. 672).

8 “(4) APPLICABLE LAW.—The Secretary shall  
9 consider the information and recommendations of  
10 the study completed under paragraph (1) to deter-  
11 mine the impacts of expanding national off-highway  
12 vehicle recreation areas designated by subsection (a)  
13 on the Conservation Area, in accordance with—

14 “(A) the National Environmental Policy  
15 Act of 1969 (42 U.S.C. 4321 et seq.);

16 “(B) the Endangered Species Act of 1973  
17 (16 U.S.C. 1531 et seq.);

18 “(C) applicable regulations and plans, in-  
19 cluding the Desert Renewable Energy Conserva-  
20 tion Plan Land Use Plan Amendment; and

21 “(D) any other applicable law.

22 “(5) SUBMISSION TO CONGRESS.—On comple-  
23 tion of the study under paragraph (1), the Secretary  
24 shall submit the study to—

1           “(A) the Committee on Natural Resources  
2 of the House of Representatives; and

3           “(B) the Committee on Energy and Nat-  
4 ural Resources of the Senate.

5           “(6) AUTHORIZATION FOR EXPANSION.—

6           “(A) IN GENERAL.—On completion of the  
7 study under paragraph (1) and in accordance  
8 with all applicable laws (including regulations),  
9 the Secretary shall authorize the expansion of  
10 the national off-highway vehicle recreation  
11 areas recommended under the study.

12           “(B) MANAGEMENT.—Any land within the  
13 expanded areas under subparagraph (A) shall  
14 be managed in accordance with this section.

15           “(h) SOUTHERN CALIFORNIA EDISON COMPANY  
16 UTILITY FACILITIES AND RIGHTS-OF-WAY.—

17           “(1) EFFECT OF TITLE.—Nothing in this  
18 title—

19           “(A) terminates any validly issued right-of-  
20 way for the customary operation, maintenance,  
21 upgrade, repair, relocation within an existing  
22 right-of-way, replacement, or other authorized  
23 energy transport facility activities (including the  
24 use of any mechanized vehicle, helicopter, and  
25 other aerial device) in a right-of-way issued,

1 granted, or permitted to Southern California  
2 Edison Company (including any predecessor or  
3 successor in interest or assign) that is located  
4 on land included in—

5 “(i) the El Mirage National Off-High-  
6 way Vehicle Recreation Area;

7 “(ii) the Spangler Hills National Off-  
8 Highway Vehicle Recreation Area; or

9 “(iii) the Stoddard Valley National  
10 Off Highway Vehicle Recreation Area;

11 “(B) affects the application, siting, route  
12 selection, right-of-way acquisition, or construc-  
13 tion of the Coolwater-Lugo transmission  
14 project, as may be approved by the California  
15 Public Utilities Commission and the Bureau of  
16 Land Management; or

17 “(C) prohibits the upgrading or replace-  
18 ment of any Southern California Edison Com-  
19 pany—

20 “(i) utility facility, including such a  
21 utility facility known on the date of enact-  
22 ment of this title as—

23 “(I) ‘Gale-PS 512 transmission  
24 lines or rights-of-way’; and

1 “(II) ‘Patio, Jack Ranch, and  
 2 Kenworth distribution circuits or  
 3 rights-of-way’; and

4 “(ii) energy transport facility in a  
 5 right-of-way issued, granted, or permitted  
 6 by the Secretary adjacent to a utility facil-  
 7 ity referred to in clause (i).

8 “(2) PLANS FOR ACCESS.—The Secretary, in  
 9 consultation with the Southern California Edison  
 10 Company, shall publish plans for regular and emer-  
 11 gency access by the Southern California Edison  
 12 Company to the rights-of-way of the Company by  
 13 the date that is 1 year after the later of—

14 “(A) the date of enactment of this title;  
 15 and

16 “(B) the date of issuance of a new energy  
 17 transport facility right-of-way within—

18 “(i) the El Mirage National Off-High-  
 19 way Vehicle Recreation Area;

20 “(ii) the Spangler Hills National Off-  
 21 Highway Vehicle Recreation Area; or

22 “(iii) the Stoddard Valley National  
 23 Off Highway Vehicle Recreation Area.

24 “(i) PACIFIC GAS AND ELECTRIC COMPANY UTILITY  
 25 FACILITIES AND RIGHTS-OF-WAY.—

1           “(1) EFFECT OF TITLE.—Nothing in this  
2 title—

3                   “(A) terminates any validly issued right-of-  
4 way for the customary operation, maintenance,  
5 upgrade, repair, relocation within an existing  
6 right-of-way, replacement, or other authorized  
7 activity (including the use of any mechanized  
8 vehicle, helicopter, and other aerial device) in a  
9 right-of-way issued, granted, or permitted to  
10 Pacific Gas and Electric Company (including  
11 any predecessor or successor in interest or as-  
12 sign) that is located on land included in the  
13 Spangler Hills National Off-Highway Vehicle  
14 Recreation Area; or

15                   “(B) prohibits the upgrading or replace-  
16 ment of any—

17                           “(i) utility facilities of the Pacific Gas  
18 and Electric Company, including those  
19 utility facilities known on the date of en-  
20 actment of this title as—

21                                   “(I) Gas Transmission Line 311  
22 or rights-of-way; and

23                                   “(II) Gas Transmission Line 372  
24 or rights-of-way; and

1                   “(ii) utility facilities of the Pacific  
 2                   Gas and Electric Company in rights-of-way  
 3                   issued, granted, or permitted by the Sec-  
 4                   retary adjacent to a utility facility referred  
 5                   to in clause (i).

6                   “(2) PLANS FOR ACCESS.—Not later than 1  
 7                   year after the date of enactment of this title or the  
 8                   issuance of a new utility facility right-of-way within  
 9                   the Spangler Hills National Off-Highway Vehicle  
 10                  Recreation Area, whichever is later, the Secretary, in  
 11                  consultation with the Pacific Gas and Electric Com-  
 12                  pany, shall publish plans for regular and emergency  
 13                  access by the Pacific Gas and Electric Company to  
 14                  the rights-of-way of the Pacific Gas and Electric  
 15                  Company.

16               **“TITLE XVI—ALABAMA HILLS**  
 17               **NATIONAL SCENIC AREA**

18               **“SEC. 1601. DEFINITIONS.**

19               “In this title:

20               “(1) MANAGEMENT PLAN.—The term ‘manage-  
 21               ment plan’ means the management plan for the Na-  
 22               tional Scenic Area developed under section 1603(a).

23               “(2) MAP.—The term ‘Map’ means the map ti-  
 24               tled ‘Proposed Alabama Hills National Scenic Area’,  
 25               dated September 8, 2014.

1           “(3) **MOTORIZED VEHICLES.**—The term ‘motor-  
2       ized vehicles’ means motorized or mechanized vehi-  
3       cles and includes, when used by utilities, mechanized  
4       equipment, helicopters, and other aerial devices nec-  
5       essary to maintain electrical or communications in-  
6       frastructure.

7           “(4) **NATIONAL SCENIC AREA.**—The term ‘Na-  
8       tional Scenic Area’ means the Alabama Hills Na-  
9       tional Scenic Area established by section 1602(a).

10          “(5) **SECRETARY.**—The term ‘Secretary’ means  
11       the Secretary of the Interior.

12          “(6) **STATE.**—The term ‘State’ means the State  
13       of California.

14          “(7) **TRIBE.**—The term ‘Tribe’ means the Lone  
15       Pine Paiute-Shoshone.

16          “(8) **UTILITY FACILITY.**—The term ‘utility fa-  
17       cility’ means any and all existing and future water  
18       system facilities including aqueducts, streams,  
19       ditches, and canals; water facilities including, but  
20       not limited to, flow measuring stations, gauges,  
21       gates, valves, piping, conduits, fencing, and electrical  
22       power and communications devices and systems; and  
23       any and all existing and future electric generation  
24       facilities, electric storage facilities, overhead and/or  
25       underground electrical supply systems and commu-

1       nication systems consisting of electric substations,  
 2       electric lines, poles and towers made of various ma-  
 3       terials, ‘H’ frame structures, guy wires and anchors,  
 4       crossarms, wires, underground conduits, cables,  
 5       vaults, manholes, handholes, above-ground enclo-  
 6       sures, markers and concrete pads and other fixtures,  
 7       appliances and communication circuits, and other  
 8       fixtures, appliances and appurtenances connected  
 9       therewith necessary or convenient for the construc-  
 10      tion, operation, regulation, control, grounding and  
 11      maintenance of electric generation, storage, lines  
 12      and communication circuits, for the purpose of  
 13      transmitting intelligence and generating, storing,  
 14      distributing, regulating and controlling electric en-  
 15      ergy to be used for light, heat, power, communica-  
 16      tion, and other purposes.

17   **“SEC. 1602. ALABAMA HILLS NATIONAL SCENIC AREA, CALI-**  
 18                   **FORNIA.**

19       “(a) ESTABLISHMENT.—Subject to valid, existing  
 20      rights, there is established in Inyo County, California, the  
 21      Alabama Hills National Scenic Area. The National Scenic  
 22      Area shall be comprised of the approximately 18,610 acres  
 23      generally depicted on the Map as ‘National Scenic Area’.

24       “(b) PURPOSE.—The purpose of the National Scenic  
 25      Area is to conserve, protect, and enhance for the benefit,



1 use, and enjoyment of present and future generations the  
2 nationally significant scenic, cultural, geological, edu-  
3 cational, biological, historical, recreational, cinemato-  
4 graphic, and scientific resources of the National Scenic  
5 Area managed consistent with section 302(a) of the Fed-  
6 eral Land Policy and Management Act of 1976 (43 U.S.C.  
7 1732(a)).

8 “(c) MAP; LEGAL DESCRIPTIONS.—

9 “(1) IN GENERAL.—As soon as practicable  
10 after the date of enactment of this Act, the Sec-  
11 retary shall file a map and a legal description of the  
12 National Scenic Area with—

13 “(A) the Committee on Energy and Nat-  
14 ural Resources of the Senate; and

15 “(B) the Committee on Natural Resources  
16 of the House of Representatives.

17 “(2) FORCE OF LAW.—The map and legal de-  
18 scriptions filed under paragraph (1) shall have the  
19 same force and effect as if included in this Act, ex-  
20 cept that the Secretary may correct any clerical and  
21 typographical errors in the map and legal descrip-  
22 tions.

23 “(3) PUBLIC AVAILABILITY.—Each map and  
24 legal description filed under paragraph (1) shall be  
25 on file and available for public inspection in the ap-

1       appropriate offices of the Forest Service and Bureau  
2       of Land Management.

3       “(d) ADMINISTRATION.—The Secretary shall manage  
4 the National Scenic Area—

5               “(1) as a component of the National Landscape  
6       Conservation System;

7               “(2) so as not to impact the future continuing  
8       operations and maintenance of any activities associ-  
9       ated with valid, existing rights, including water  
10      rights;

11              “(3) in a manner that conserves, protects, and  
12      enhances the resources and values of the National  
13      Scenic Area described in subsection (b); and

14              “(4) in accordance with—

15                      “(A) the Federal Land Policy and Manage-  
16                      ment Act of 1976 (43 U.S.C. 1701 et seq.);

17                      “(B) this Act; and

18                      “(C) any other applicable laws.

19      “(e) MANAGEMENT.—

20              “(1) IN GENERAL.—The Secretary shall allow  
21      only such uses of the National Scenic Area as the  
22      Secretary determines would support the purposes of  
23      the National Scenic Area as described in subsection  
24      (b).

1           “(2) RECREATIONAL ACTIVITIES.—Except as  
2 otherwise provided in this Act or other applicable  
3 law, or as the Secretary determines to be necessary  
4 for public health and safety, the Secretary shall  
5 allow existing recreational uses of the National Scenic  
6 Area to continue, including hiking, mountain  
7 biking, rock climbing, sightseeing, horseback riding,  
8 hunting, fishing, and appropriate authorized motor-  
9 ized vehicle use.

10           “(3) MOTORIZED VEHICLES.—Except as speci-  
11 fied within this Act and/or in cases in which motor-  
12 ized vehicles are needed for administrative purposes,  
13 or to respond to an emergency, the use of motorized  
14 vehicles in the National Scenic Area shall be per-  
15 mitted only on—

16           “(A) roads and trails designated by the Di-  
17 rector of the Bureau of Land Management for  
18 use of motorized vehicles as part of a manage-  
19 ment plan sustaining a semi-primitive motorized  
20 experience; or

21           “(B) on county-maintained roads in ac-  
22 cordance with applicable State and county laws.

23           “(f) NO BUFFER ZONES.—

1           “(1) IN GENERAL.—Nothing in this Act creates  
2           a protective perimeter or buffer zone around the Na-  
3           tional Scenic Area.

4           “(2) ACTIVITIES OUTSIDE NATIONAL SCENIC  
5           AREA.—The fact that an activity or use on land out-  
6           side the National Scenic Area can be seen or heard  
7           within the National Scenic Area shall not preclude  
8           the activity or use outside the boundaries of the Na-  
9           tional Scenic Area.

10          “(g) ACCESS.—The Secretary shall continue to pro-  
11          vide private landowners adequate access to inholdings in  
12          the National Scenic Area.

13          “(h) FILMING.—Nothing in this Act prohibits filming  
14          (including commercial film production, student filming,  
15          and still photography) within the National Scenic Area—

16               “(1) subject to—

17                       “(A) such reasonable regulations, policies,  
18                       and practices as the Secretary considers to be  
19                       necessary; and

20                       “(B) applicable law; and

21               “(2) in a manner consistent with the purposes  
22          described in subsection (b).

23          “(i) FISH AND WILDLIFE.—Nothing in this Act af-  
24          fects the jurisdiction or responsibilities of the State with  
25          respect to fish and wildlife.

1       “(j) LIVESTOCK.—The grazing of livestock in the Na-  
2 tional Scenic Area, including grazing under the Alabama  
3 Hills allotment and the George Creek allotment, as estab-  
4 lished before the date of enactment of this Act, shall be  
5 permitted to continue—

6               “(1) subject to—

7                       “(A) such reasonable regulations, policies,  
8 and practices as the Secretary considers to be  
9 necessary; and

10                      “(B) applicable law; and

11               “(2) in a manner consistent with the purposes  
12 described in subsection (b).

13       “(k) OVERFLIGHTS.—Nothing in this Act restricts or  
14 precludes flights over the National Scenic Area or over-  
15 flights that can be seen or heard within the National Sce-  
16 nic Area, including—

17               “(1) transportation, sightseeing and filming  
18 flights, general aviation planes, helicopters, hang-  
19 gliders, and balloonists, for commercial or rec-  
20 reational purposes;

21               “(2) low-level overflights of military aircraft;

22               “(3) flight testing and evaluation;

23               “(4) the designation or creation of new units of  
24 special use airspace, or the establishment of military

1 flight training routes, over the National Scenic Area;  
2 or

3 “(5) the use, including take-off and landing, of  
4 helicopters and other aerial devices within valid  
5 rights-of-way to construct or maintain energy trans-  
6 port facilities.

7 “(l) WITHDRAWAL.—Subject to this Act’s provisions  
8 and valid rights in existence on the date of enactment of  
9 this Act, including rights established by prior withdrawals,  
10 the Federal land within the National Scenic Area is with-  
11 drawn from all forms of—

12 “(1) entry, appropriation, or disposal under the  
13 public land laws;

14 “(2) location, entry, and patent under the min-  
15 ing laws; and

16 “(3) disposition under all laws pertaining to  
17 mineral and geothermal leasing or mineral materials.

18 “(m) WILDLAND FIRE OPERATIONS.—Nothing in  
19 this Act prohibits the Secretary, in cooperation with other  
20 Federal, State, and local agencies, as appropriate, from  
21 conducting wildland fire operations in the National Scenic  
22 Area, consistent with the purposes described in subsection  
23 (b).

24 “(n) GRANTS; COOPERATIVE AGREEMENTS.—The  
25 Secretary may make grants to, or enter into cooperative

1 agreements with, State, tribal, and local governmental en-  
2 tities and private entities to conduct research, interpreta-  
3 tion, or public education or to carry out any other initia-  
4 tive relating to the restoration, conservation, or manage-  
5 ment of the National Scenic Area.

6 “(o) AIR AND WATER QUALITY.—Nothing in this Act  
7 modifies any standard governing air or water quality out-  
8 side of the boundaries of the National Scenic Area.

9 “(p) UTILITY FACILITIES AND RIGHTS OF WAY.—

10 “(1) Nothing in this Act shall—

11 “(A) affect the existence, use, operation,  
12 maintenance (including but not limited to vege-  
13 tation control), repair, construction, reconfig-  
14 uration, expansion, inspection, renewal, recon-  
15 struction, alteration, addition, relocation, im-  
16 provement, funding, removal, or replacement of  
17 utility facilities or appurtenant rights of way  
18 within or adjacent to the National Scenic Area;

19 “(B) affect necessary or efficient access to  
20 utility facilities or rights of way within or adja-  
21 cent to the National Scenic Area subject to sub-  
22 section (e); or

23 “(C) preclude the Secretary from author-  
24 izing the establishment of new utility facility  
25 rights of way (including instream sites, routes,

1 and areas) within the National Scenic Area in  
2 a manner that minimizes harm to the purpose  
3 of the National Scenic Area as described in sub-  
4 section (b)—

5 “(i) with the National Environmental  
6 Policy Act of 1969 (42 U.S.C. 4321 et  
7 seq.) and any other applicable law;

8 “(ii) subject to such terms and condi-  
9 tions as the Secretary determines to be ap-  
10 propriate; and

11 “(iii) are determined, by the Sec-  
12 retary, to be the only technical or feasible  
13 location, following consideration of alter-  
14 natives within existing rights of way or  
15 outside of the National Scenic Area.

16 “(2) MANAGEMENT PLAN.—Consistent with  
17 this Act, the Management Plan shall establish plans  
18 for maintenance of public utility and other rights of  
19 way within the National Scenic Area.

20 **“SEC. 1603. MANAGEMENT PLAN.**

21 “(a) IN GENERAL.—Not later than 3 years after the  
22 date of enactment of this Act, in accordance with sub-  
23 section (b), the Secretary shall develop a comprehensive  
24 plan for the long-term management of the National Scenic  
25 Area.



1       “(b) CONSULTATION.—In developing the manage-  
2 ment plan, the Secretary shall—

3               “(1) consult with appropriate State, tribal, and  
4 local governmental entities, including Inyo County  
5 and the Tribe; and

6               “(2) seek input from—

7                       “(A) investor-owned utilities, including  
8 Southern California Edison Company;

9                       “(B) the Alabama Hills Stewardship  
10 Group;

11                      “(C) members of the public; and

12                      “(D) the Los Angeles Department of  
13 Water and Power.

14       “(c) INCORPORATION OF MANAGEMENT PLAN.—In  
15 developing the management plan, in accordance with this  
16 section, the Secretary shall allow, in perpetuity, casual-  
17 use mining limited to the use of hand tools, metal detec-  
18 tors, hand-fed dry washers, vacuum cleaners, gold pans,  
19 small sluices, and similar items.

20       “(d) INTERIM MANAGEMENT.—Pending completion  
21 of the management plan, the Secretary shall manage the  
22 National Scenic Area in accordance with section 3.

1   **“SEC. 1604. LAND TAKEN INTO TRUST FOR LONE PINE PAI-**  
2                   **UTE-SHOSHONE RESERVATION.**

3           “(a) TRUST LAND.—As soon as practicable after the  
4   date of the enactment of this Act, the Secretary shall take  
5   the approximately 132 acres of Federal land depicted on  
6   the Map as ‘Lone Pine Paiute-Shoshone Reservation Addi-  
7   tion’ into trust for the benefit of the Tribe, subject to the  
8   following:

9           “(1) CONDITIONS.—The land shall be subject to  
10   all easements, covenants, conditions, restrictions,  
11   withdrawals, and other matters of record on the date  
12   of the enactment of this Act.

13          “(2) EXCLUSION.—The Federal lands over  
14   which the right-of-way for the Los Angeles Aqueduct  
15   is located, generally described as the 250-foot-wide  
16   right-of-way granted to the City of Los Angeles pur-  
17   suant to the Act of June 30, 1906 (Chap. 3926),  
18   shall not be taken into trust for the Tribe.

19          “(b) RESERVATION LAND.—The land taken into  
20   trust pursuant to subsection (a) shall be considered part  
21   of the reservation of the Tribe.

22          “(c) GAMING PROHIBITION.—Gaming under the In-  
23   dian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)  
24   shall not be allowed on the land taken into trust pursuant  
25   to subsection (a).

1 **“SEC. 1605. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

2 “Administrative jurisdiction of the approximately 56  
3 acres of Federal land depicted on the Map as ‘USFS  
4 Transfer to BLM’ is hereby transferred from the Forest  
5 Service under the Secretary of Agriculture to the Bureau  
6 of Land Management under the Secretary.

7 **“SEC. 1606. PROTECTION OF SERVICES AND REC-**  
8 **REATIONAL OPPORTUNITIES.**

9 “Nothing in this Act shall be construed to limit com-  
10 mercial services for existing and historic recreation uses  
11 as authorized by the Bureau of Land Management’s per-  
12 mit process. Valid, existing, commercial permits to exer-  
13 cise guided recreational opportunities for the public may  
14 continue as authorized on the day before the date of the  
15 enactment of this Act.

16 **“TITLE XVII—MISCELLANEOUS**

17 **“SEC. 1701. MILITARY ACTIVITIES.**

18 “Nothing in this title—

19 “(1) restricts or precludes Department of De-  
20 fense motorized access by land or air—

21 “(A) to respond to an emergency within a  
22 wilderness area designated by this Act; or

23 “(B) to control access to the emergency  
24 site;

1           “(2) prevents nonmechanized military training  
2           activities previously conducted on wilderness areas  
3           designated by this title that are consistent with—

4                   “(A) the Wilderness Act (16 U.S.C. 1131  
5                   et seq.); and

6                   “(B) all applicable laws (including regula-  
7                   tions);

8           “(3) restricts or precludes low-level overflights  
9           of military aircraft over the areas designated as wil-  
10          derness, national monuments, special management  
11          areas, or recreation areas by this Act, including mili-  
12          tary overflights that can be seen or heard within the  
13          designated areas;

14          “(4) restricts or precludes flight testing and  
15          evaluation in the areas described in paragraph (3);  
16          or

17          “(5) restricts or precludes the designation or  
18          creation of new units of special use airspace, or the  
19          establishment of military flight training routes, over  
20          the areas described in paragraph (3).

21   **“SEC. 1702. PROHIBITED USES OF ACQUIRED, DONATED,**  
22                   **AND CONSERVATION LAND.**

23          “(a) DEFINITIONS.—In this section:

24                  “(1) ACQUIRED LAND.—The term ‘acquired  
25          land’ means any land acquired within the Conserva-

1       tion Area using amounts from the land and water  
2       conservation fund established under section 200302  
3       of title 54, United States Code.

4           “(2) CONSERVATION LAND.—The term ‘con-  
5       servation land’ means any land within the Conserva-  
6       tion Area that is designated to satisfy the conditions  
7       of a Federal habitat conservation plan, general con-  
8       servation plan, or State natural communities con-  
9       servation plan, including—

10           “(A) national conservation land established  
11           pursuant to section 2002(b)(2)(D) of the Omni-  
12           bus Public Land Management Act of 2009 (16  
13           U.S.C. 7202(b)(2)(D)); and

14           “(B) areas of critical environmental con-  
15           cern established pursuant to section 202(c)(3)  
16           of the Federal Land Policy and Management  
17           Act of 1976 (43 U.S.C. 1712(c)(3)).

18           “(3) DONATED LAND.—The term ‘donated  
19       land’ means any private land donated to the United  
20       States for conservation purposes in the Conservation  
21       Area.

22           “(4) DONOR.—The term ‘donor’ means an indi-  
23       vidual or entity that donates private land within the  
24       Conservation Area to the United States.

1           “(5) SECRETARY.—The term ‘Secretary’ means  
2           the Secretary of the Interior, acting through the Di-  
3           rector of the Bureau of Land Management.

4           “(b) PROHIBITIONS.—Except as provided in sub-  
5           section (c), the Secretary shall not authorize the use of  
6           acquired land, conservation land, or donated land within  
7           the Conservation Area for any activities contrary to the  
8           conservation purposes for which the land was acquired,  
9           designated, or donated, including—

10           “(1) disposal;

11           “(2) rights-of-way;

12           “(3) leases;

13           “(4) livestock grazing;

14           “(5) infrastructure development, except as pro-  
15           vided in subsection (c);

16           “(6) mineral entry; and

17           “(7) off-highway vehicle use, except on—

18           “(A) designated routes;

19           “(B) off-highway vehicle areas designated  
20           by law; and

21           “(C) administratively designated open  
22           areas.

23           “(c) EXCEPTIONS.—

24           “(1) AUTHORIZATION BY SECRETARY.—Subject  
25           to paragraph (2), the Secretary may authorize lim-

1       ited exceptions to prohibited uses of acquired land or  
2       donated land in the Conservation Area if—

3               “(A) a right-of-way application for a re-  
4               newable energy development project or associ-  
5               ated energy transport facility on acquired land  
6               or donated land was submitted to the Bureau  
7               of Land Management on or before December 1,  
8               2009; or

9               “(B) after the completion and consider-  
10              ation of an analysis under the National Envi-  
11              ronmental Policy Act of 1969 (42 U.S.C. 4321  
12              et seq.), the Secretary has determined that pro-  
13              posed use is in the public interest.

14             “(2) CONDITIONS.—

15               “(A) IN GENERAL.—If the Secretary  
16               grants an exception to the prohibition under  
17               paragraph (1), the Secretary shall require the  
18               permittee to donate private land of comparable  
19               value located within the Conservation Area to  
20               the United States to mitigate the use.

21               “(B) APPROVAL.—The private land to be  
22               donated under subparagraph (A) shall be ap-  
23               proved by the Secretary after—

24                       “(i) consultation, to the maximum ex-  
25                       tent practicable, with the donor of the pri-

1                   vate land proposed for nonconservation  
2                   uses; and

3                   “(ii) an opportunity for public com-  
4                   ment regarding the donation.

5           “(d) EXISTING AGREEMENTS.—Nothing in this sec-  
6   tion affects permitted or prohibited uses of donated land  
7   or acquired land in the Conservation Area established in  
8   any easements, deed restrictions, memoranda of under-  
9   standing, or other agreements in existence on the date of  
10   enactment of this title.

11          “(e) DEED RESTRICTIONS.—Effective beginning on  
12   the date of enactment of this title, within the Conservation  
13   Area, the Secretary may—

14               “(1) accept deed restrictions requested by land-  
15       owners for land donated to, or otherwise acquired  
16       by, the United States; and

17               “(2) consistent with existing rights, create deed  
18       restrictions, easements, or other third-party rights  
19       relating to any public land determined by the Sec-  
20       retary to be necessary—

21               “(A) to fulfill the mitigation requirements  
22       resulting from the development of renewable re-  
23       sources; or

24               “(B) to satisfy the conditions of—



1 “(i) a habitat conservation plan or  
2 general conservation plan established pur-  
3 suant to section 10 of the Endangered  
4 Species Act of 1973 (16 U.S.C. 1539); or  
5 “(ii) a natural communities conserva-  
6 tion plan approved by the State.

7 **“SEC. 1703. TRIBAL USES AND INTERESTS.**

8 “(a) ACCESS.—The Secretary shall ensure access to  
9 areas designated under this Act by members of Indian  
10 tribes for traditional cultural and religious purposes, con-  
11 sistent with applicable law, including Public Law 95–341  
12 (commonly known as the ‘American Indian Religious  
13 Freedom Act’) (42 U.S.C. 1996).

14 “(b) TEMPORARY CLOSURE.—

15 “(1) IN GENERAL.—In accordance with applica-  
16 ble law, including Public Law 95–341 (commonly  
17 known as the ‘American Indian Religious Freedom  
18 Act’) (42 U.S.C. 1996), and subject to paragraph  
19 (2), the Secretary, on request of an Indian tribe or  
20 Indian religious community, shall temporarily close  
21 to general public use any portion of an area des-  
22 ignated as a national monument, special manage-  
23 ment area, wild and scenic river, area of critical en-  
24 vironmental concern, or National Park System unit  
25 under this Act (referred to in this subsection as a

1 ‘designated area’) to protect the privacy of tradi-  
 2 tional cultural and religious activities in the des-  
 3 ignated area by members of the Indian tribe or In-  
 4 dian religious community.

5 “(2) LIMITATION.—In closing a portion of a  
 6 designated area under paragraph (1), the Secretary  
 7 shall limit the closure to the smallest practicable  
 8 area for the minimum period necessary for the tradi-  
 9 tional cultural and religious activities.

10 “(c) TRIBAL CULTURAL RESOURCES MANAGEMENT  
 11 PLAN.—

12 “(1) IN GENERAL.—Not later than 2 years  
 13 after the date of enactment of this title, the Sec-  
 14 retary of the Interior shall develop and implement a  
 15 tribal cultural resources management plan to iden-  
 16 tify, protect, and conserve cultural resources of In-  
 17 dian tribes associated with the Xam Kwatchan Trail  
 18 network extending from Avikwaame (Spirit Moun-  
 19 tain, Nevada) to Avikwial (Pilot Knob, California).

20 “(2) CONSULTATION.—The Secretary shall con-  
 21 sult on the development and implementation of the  
 22 tribal cultural resources management plan under  
 23 paragraph (1) with—

24 “(A) each of—

25 “(i) the Chemehuevi Indian Tribe;

1 “(ii) the Hualapai Tribal Nation;  
2 “(iii) the Fort Mojave Indian Tribe;  
3 “(iv) the Colorado River Indian  
4 Tribes;  
5 “(v) the Quechan Indian Tribe; and  
6 “(vi) the Cocopah Indian Tribe; and  
7 “(B) the Advisory Council on Historic  
8 Preservation.  
9 “(3) RESOURCE PROTECTION.—The tribal cul-  
10 tural resources management plan developed under  
11 paragraph (1) shall be—  
12 “(A) based on a completed tribal cultural  
13 resources survey; and  
14 “(B) include procedures for identifying,  
15 protecting, and preserving petroglyphs, ancient  
16 trails, intaglios, sleeping circles, artifacts, and  
17 other resources of cultural, archaeological, or  
18 historical significance in accordance with all ap-  
19 plicable laws and policies, including—  
20 “(i) chapter 2003 of title 54, United  
21 States Code;  
22 “(ii) Public Law 95–341 (commonly  
23 known as the ‘American Indian Religious  
24 Freedom Act’) (42 U.S.C. 1996);

1 “(iii) the Archaeological Resources  
2 Protection Act of 1979 (16 U.S.C. 470aa  
3 et seq.);

4 “(iv) the Native American Graves  
5 Protection and Repatriation Act (25  
6 U.S.C. 3001 et seq.); and

7 “(v) Public Law 103–141 (commonly  
8 known as the ‘Religious Freedom Restora-  
9 tion Act of 1993’) (42 U.S.C. 2000bb et  
10 seq.).

11 “(d) WITHDRAWAL.—Subject to valid existing rights,  
12 all Federal land within the area administratively with-  
13 drawn and known as the ‘Indian Pass Withdrawal Area’  
14 is permanently withdrawn from—

15 “(1) all forms of entry, appropriation, or dis-  
16 posal under the public land laws;

17 “(2) location, entry, and patent under the min-  
18 ing laws; and

19 “(3) right-of-way leasing and disposition under  
20 all laws relating to minerals or solar, wind, or geo-  
21 thermal energy.

22 **“SEC. 1704. RELEASE OF FEDERAL REVERSIONARY LAND**  
23 **INTERESTS.**

24 “(a) DEFINITIONS.—In this section:

1           “(1) 1932 ACT.—The ‘1932 Act’ means the Act  
2           of June 18, 1932 (47 Stat. 324, chapter 270).

3           “(2) DISTRICT.—The ‘District’ means the Met-  
4           ropolitan Water District of Southern California.

5           “(b) RELEASE.—Subject to valid existing claims per-  
6           fected prior to the effective date of the 1932 Act and the  
7           reservation of minerals set forth in the 1932 Act, the Sec-  
8           retary shall release, convey, or otherwise quitclaim to the  
9           District, in a form recordable in local county records, and  
10          subject to the approval of the District, after consultation  
11          and without monetary consideration, all right, title, and  
12          remaining interest of the United States in and to the land  
13          that was conveyed to the District pursuant to the 1932  
14          Act or any other law authorizing conveyance subject to  
15          restrictions or reversionary interests retained by the  
16          United States, on request by the District.

17          “(c) TERMS AND CONDITIONS.—A conveyance au-  
18          thorized by subsection (b) shall be subject to the following  
19          terms and conditions:

20                 “(1) The District shall cover, or reimburse the  
21                 Secretary for, the costs incurred by the Secretary to  
22                 make the conveyance, including title searches, sur-  
23                 veys, deed preparation, attorneys’ fees, and similar  
24                 expenses.

1           “(2) By accepting the conveyances, the District  
2           agrees to indemnify and hold harmless the United  
3           States with regard to any boundary dispute relating  
4           to any parcel conveyed under this section.”.

5 **SEC. 3. VISITOR CENTER.**

6           Title IV of the California Desert Protection Act of  
7           1994 (16 U.S.C. 410aaa–21 et seq.) is amended by adding  
8           at the end the following:

9 **“SEC. 408. VISITOR CENTER.**

10          “(a) IN GENERAL.—The Secretary may acquire not  
11          more than 5 acres of land and interests in land, and im-  
12          provements on the land and interests, outside the bound-  
13          aries of Joshua Tree National Park, in the unincorporated  
14          village of Joshua Tree, for the purpose of operating a vis-  
15          itor center.

16          “(b) BOUNDARY.—The Secretary shall modify the  
17          boundary of the park to include the land acquired under  
18          this section as a noncontiguous parcel.

19          “(c) ADMINISTRATION.—Land and facilities acquired  
20          under this section—

21                 “(1) may include the property owned (as of the  
22                 date of enactment of this section) by the Joshua  
23                 Tree National Park Association and commonly re-  
24                 ferred to as the ‘Joshua Tree National Park Visitor  
25                 Center’;

1 “(2) shall be administered by the Secretary as  
2 part of the park; and

3 “(3) may be acquired only with the consent of  
4 the owner, by donation, purchase with donated or  
5 appropriated funds, or exchange.”.

6 **SEC. 4. CALIFORNIA STATE SCHOOL LAND.**

7 Section 707 of the California Desert Protection Act  
8 of 1994 (16 U.S.C. 410aaa–77) is amended—

9 (1) in subsection (a)—

10 (A) in the first sentence—

11 (i) by striking “Upon request of the  
12 California State Lands Commission (here-  
13 inafter in this section referred to as the  
14 ‘Commission’), the Secretary shall enter  
15 into negotiations for an agreement” and  
16 inserting the following:

17 “(1) IN GENERAL.—The Secretary shall nego-  
18 tiate in good faith to reach an agreement with the  
19 California State Lands Commission (referred to in  
20 this section as the Commission).”; and

21 (ii) by inserting “, national monu-  
22 ments,” after “more of the wilderness  
23 areas”; and

1 (B) in the second sentence, by striking  
2 “The Secretary shall negotiate in good faith to”  
3 and inserting the following:

4 “(2) AGREEMENT.—To the maximum extent  
5 practicable, not later than 10 years after the date of  
6 enactment of this title, the Secretary shall”;

7 (2) in subsection (b)(1), by inserting “, national  
8 monuments,” after “wilderness areas”; and

9 (3) in subsection (c), by adding at the end the  
10 following:

11 “(5) SPECIAL DEPOSIT FUND ACCOUNT.—

12 “(A) IN GENERAL.—Assembled land ex-  
13 changes may be used to carry out this section  
14 through the sale of surplus Federal property  
15 and subsequent acquisitions of State school  
16 land.

17 “(B) RECEIPTS.—Past and future receipts  
18 from the sale of property described in sub-  
19 section (a), less any costs incurred related to  
20 the sale, shall be deposited in a Special Deposit  
21 Fund Account established in the Treasury.

22 “(C) USE.—Funds accumulated in the  
23 Special Deposit Fund Account may be used by  
24 the Secretary, without an appropriation, to ac-



1           quire State school lands or interest in the land  
2           consistent with this section.”.

3 **SEC. 5. DESIGNATION OF WILD AND SCENIC RIVERS.**

4           Section 3(a) of the Wild and Scenic Rivers Act (16  
5 U.S.C. 1274(a)) is amended—

6           (1) in paragraph (196), by striking subpara-  
7           graph (A) and inserting the following:

8                   “(A)(i) The approximately 1.4-mile seg-  
9                   ment of the Amargosa River in the State of  
10                  California, from the private property boundary  
11                  in sec. 19, T. 22 N., R. 7 E., to 100 feet down-  
12                  stream of Highway 178, to be administered by  
13                  the Secretary of the Interior as a scenic river  
14                  as an addition to the wild and scenic river seg-  
15                  ments of the Amargosa River on publication by  
16                  the Secretary of a notice in the Federal Reg-  
17                  ister that sufficient inholdings within the  
18                  boundaries of the segments have been acquired  
19                  as scenic easements or in fee title to establish  
20                  a manageable addition to those segments.

21                   “(ii) The approximately 6.1-mile segment  
22                  of the Amargosa River in the State of Cali-  
23                  fornia, from 100 feet downstream of the State  
24                  Highway 178 crossing to 100 feet upstream of  
25                  the Tecopa Hot Springs Road crossing, to be

1 administered by the Secretary of the Interior as  
2 a scenic river.”; and

3 (2) by adding at the end the following:

4 “(213) SURPRISE CANYON CREEK, CALI-  
5 FORNIA.—

6 “(A) IN GENERAL.—The following seg-  
7 ments of Surprise Canyon Creek in the State of  
8 California, to be administered by the Secretary  
9 of the Interior:

10 “(i) The approximately 5.3 miles of  
11 Surprise Canyon Creek from the con-  
12 fluence of Frenchman’s Canyon and Water  
13 Canyon to 100 feet upstream of Chris  
14 Wicht Camp, as a wild river.

15 “(ii) The approximately 1.8 miles of  
16 Surprise Canyon Creek from 100 feet up-  
17 stream of Chris Wicht Camp to the south-  
18 ern boundary of sec. 14, T. 21 N., R. 44  
19 E., as a recreational river.

20 “(B) EFFECT ON HISTORIC MINING STRUC-  
21 TURES.—Nothing in this paragraph affects the  
22 historic mining structures associated with the  
23 former Panamint Mining District.

24 “(214) DEEP CREEK, CALIFORNIA.—

1           “(A) IN GENERAL.—The following seg-  
2           ments of Deep Creek in the State of California,  
3           to be administered by the Secretary of Agri-  
4           culture:

5                   “(i) The approximately 6.5-mile seg-  
6                   ment from 0.125 mile downstream of the  
7                   Rainbow Dam site in sec. 33, T. 2 N., R.  
8                   2 W., to 0.25 miles upstream of the Road  
9                   3N34 crossing, as a wild river.

10                   “(ii) The 0.5-mile segment from 0.25  
11                   mile upstream of the Road 3N34 crossing  
12                   to 0.25 mile downstream of the Road  
13                   3N34 crossing, as a scenic river.

14                   “(iii) The 2.5-mile segment from 0.25  
15                   miles downstream of the Road 3 N. 34  
16                   crossing to 0.25 miles upstream of the  
17                   Trail 2W01 crossing, as a wild river.

18                   “(iv) The 0.5-mile segment from 0.25  
19                   miles upstream of the Trail 2W01 crossing  
20                   to 0.25 mile downstream of the Trail  
21                   2W01 crossing, as a scenic river.

22                   “(v) The 10-mile segment from 0.25  
23                   miles downstream of the Trail 2W01 cross-  
24                   ing to the upper limit of the Mojave dam

1 flood zone in sec. 17, T. 3 N., R. 3 W., as  
2 a wild river.

3 “(vi) The 11-mile segment of Hol-  
4 comb Creek from 100 yards downstream of  
5 the Road 3N12 crossing to .25 miles down-  
6 stream of Holcomb Crossing, as a rec-  
7 reational river.

8 “(vii) The 3.5-mile segment of the  
9 Holcomb Creek from 0.25 miles down-  
10 stream of Holcomb Crossing to the Deep  
11 Creek confluence, as a wild river.

12 “(B) EFFECT ON SKI OPERATIONS.—Noth-  
13 ing in this paragraph affects—

14 “(i) the operations of the Snow Valley  
15 Ski Resort; or

16 “(ii) the State regulation of water  
17 rights and water quality associated with  
18 the operation of the Snow Valley Ski Re-  
19 sort.

20 “(215) WHITEWATER RIVER, CALIFORNIA.—  
21 The following segments of the Whitewater River in  
22 the State of California, to be administered by the  
23 Secretary of Agriculture and the Secretary of the In-  
24 terior, acting jointly:

1           “(A) The 5.8-mile segment of the North  
2 Fork Whitewater River from the source of the  
3 River near Mt. San Gorgonio to the confluence  
4 with the Middle Fork, as a wild river.

5           “(B) The 6.4-mile segment of the Middle  
6 Fork Whitewater River from the source of the  
7 River to the confluence with the South Fork, as  
8 a wild river.

9           “(C) The 1-mile segment of the South  
10 Fork Whitewater River from the confluence of  
11 the River with the East Fork to the section line  
12 between sections 32 and 33, T. 1 S., R. 2 E.,  
13 as a wild river.

14           “(D) The 1-mile segment of the South  
15 Fork Whitewater River from the section line be-  
16 tween sections 32 and 33, T. 1 S., R. 2 E., to  
17 the section line between sections 33 and 34, T.  
18 1 S., R. 2 E., as a recreational river.

19           “(E) The 4.9-mile segment of the South  
20 Fork Whitewater River from the section line be-  
21 tween sections 33 and 34, T. 1 S., R. 2 E., to  
22 the confluence with the Middle Fork, as a wild  
23 river.

24           “(F) The 5.4-mile segment of the main  
25 stem of the Whitewater River from the con-

1           fluence of the South and Middle Forks to the  
 2           San Gorgonio Wilderness boundary, as a wild  
 3           river.

4           “(G) The 3.6-mile segment of the main  
 5           stem of the Whitewater River from the San  
 6           Gorgonio Wilderness boundary to .25 miles up-  
 7           stream of the southern boundary of section 35,  
 8           T. 2 S., R. 3 E., as a recreational river.”.

9   **SEC. 6. CONFORMING AMENDMENTS.**

10       (a) **SHORT TITLE.**—Section 1 of the California  
 11   Desert Protection Act of 1994 (16 U.S.C. 410aaa note;  
 12   Public Law 103–433) is amended by striking “1 and 2,  
 13   and titles I through IX” and inserting “1, 2, and 3, titles  
 14   I through IX, and titles XIII through XVIII”.

15       (b) **DEFINITIONS.**—The California Desert Protection  
 16   Act of 1994 (Public Law 103–433; 108 Stat. 4481) is  
 17   amended by inserting after section 2 the following:

18   **“SEC. 3. DEFINITIONS.**

19       “**In titles XIII through XVIII:**

20           “(1) **CONSERVATION AREA.**—The term ‘Con-  
 21       servation Area’ means the California Desert Con-  
 22       servation Area.

23           “(2) **SECRETARY.**—The term ‘Secretary’  
 24       means—

1           “(A) with respect to land under the juris-  
 2           diction of the Secretary of the Interior, the Sec-  
 3           retary of the Interior; and

4           “(B) with respect to land under the juris-  
 5           diction of the Secretary of Agriculture, the Sec-  
 6           retary of Agriculture.

7           “(3) STATE.—The term ‘State’ means the State  
 8           of California.”.

9           (c) ADMINISTRATION OF WILDERNESS AREAS.—Sec-  
 10          tion 103 of the California Desert Protection Act of 1994  
 11          (Public Law 103–433; 108 Stat. 4481) is amended—

12           (1) by striking subsection (d) and inserting the  
 13          following:

14          “(d) NO BUFFER ZONES.—

15           “(1) IN GENERAL.—Congress does not intend  
 16          for the designation of wilderness areas by this Act—

17           “(A) to require the additional regulation of  
 18          land adjacent to the wilderness areas; or

19           “(B) to lead to the creation of protective  
 20          perimeters or buffer zones around the wilder-  
 21          ness areas.

22          “(2) NONWILDERNESS ACTIVITIES.—Any non-  
 23          wilderness activities (including renewable energy  
 24          projects, energy transmission or telecommunications  
 25          projects, mining, camping, hunting, and military ac-

1       tivities) in areas immediately adjacent to the bound-  
 2       ary of a wilderness area designated by this Act shall  
 3       not be restricted or precluded by this Act, regardless  
 4       of any actual or perceived negative impacts of the  
 5       nonwilderness activities on the wilderness area, in-  
 6       cluding any potential indirect impacts of nonwilder-  
 7       ness activities conducted outside the designated wil-  
 8       derness area on the viewshed, ambient noise level, or  
 9       air quality of wilderness area.”;

10       (2) in subsection (f), by striking “designated by  
 11       this title and” inserting “, potential wilderness  
 12       areas, special management areas, and national  
 13       monuments designated by this title or titles XIII  
 14       through XVIII”; and

15       (3) in subsection (g), by inserting “, a potential  
 16       wilderness area, a special management areas, or na-  
 17       tional monument” before “by this Act”.

18       (d) JUNIPER FLATS.—Title VII of the California  
 19       Desert Protection Act of 1994 (Public Law 103–433; 108  
 20       Stat. 4497) is amended by adding at the end the following  
 21       new section:

22       **“SEC. 712. JUNIPER FLATS.**

23       “Development of renewable energy generation facili-  
 24       ties (excluding rights-of-way or facilities for the trans-  
 25       mission of energy and telecommunication facilities and in-



1 frastructure) is prohibited on the approximately 28,000  
 2 acres of Federal land generally depicted as ‘BLM Land  
 3 Withdrawn from Energy Development and Power Genera-  
 4 tion’ on the map entitled ‘Juniper Flats’ and dated Sep-  
 5 tember 21, 2015.”.

6 (e) CALIFORNIA MILITARY LANDS WITHDRAWAL  
 7 AND OVERFLIGHTS ACT OF 1994.—

8 (1) FINDINGS.—Section 801(b)(2) of the Cali-  
 9 fornia Military Lands Withdrawal and Overflights  
 10 Act of 1994 (16 U.S.C. 410aaa–82 note; Public Law  
 11 103–433) is amended by inserting “, special man-  
 12 agement areas, potential wilderness areas,” before  
 13 “and wilderness areas”.

14 (2) OVERFLIGHTS; SPECIAL AIRSPACE.—Section  
 15 802 of the California Military Lands Withdrawal  
 16 and Overflights Act of 1994 (16 U.S.C. 410aaa–82)  
 17 is amended—

18 (A) in subsection (a), by inserting “or spe-  
 19 cial management areas” before “designated by  
 20 this Act”;

21 (B) in subsection (b), by inserting “or spe-  
 22 cial management areas” before “designated by  
 23 this Act”; and

24 (C) by adding at the end the following:

1       “(d) DEPARTMENT OF DEFENSE FACILITIES.—  
2 Nothing in this Act alters any authority of the Secretary  
3 of Defense to conduct military operations at installations  
4 and ranges within the California Desert Conservation  
5 Area that are authorized under any other provision of  
6 law.”.

7       (f) CLARIFICATION REGARDING FUNDING.—No addi-  
8 tional funds are authorized to carry out the requirements  
9 of this Act and the amendments made by this Act. Such  
10 requirements shall be carried out using amounts otherwise  
11 authorized.



115TH CONGRESS  
1ST SESSION

# H. R. 1913

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IN THE SENATE OF THE UNITED STATES

JULY 12, 2017

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clear Creek National  
3 Recreation Area and Conservation Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **MANAGEMENT PLAN.**—The term “manage-  
7 ment plan” means the Plan for the Recreation Area  
8 prepared under section 4(c).

9 (2) **RECREATION AREA.**—The term “Recreation  
10 Area” means the Clear Creek National Recreation  
11 Area.

12 (3) **SECRETARY.**—The term “Secretary” means  
13 the Secretary of the Interior.

14 (4) **STATE.**—The term “State” means the State  
15 of California.

16 (5) **OFF HIGHWAY VEHICLE.**—The term “off  
17 highway vehicle” means any motorized vehicle de-  
18 signed for or capable of cross-country travel on or  
19 immediately over land, water, snow, or other natural  
20 terrain and not intended for use on public roads.

21 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**  
22 **RECREATION AREA.**

23 (a) **IN GENERAL.**—To promote environmentally re-  
24 sponsible off highway vehicle recreation, the area generally  
25 depicted as “Proposed Clear Creek National Recreation  
26 Area” on the map titled “Proposed Clear Creek National

1 Recreation Area” and dated February 14, 2017, is estab-  
2 lished as the “Clear Creek National Recreation Area”, to  
3 be managed by the Secretary.

4 (b) OTHER PURPOSES.—The Recreation Area shall  
5 also support other public recreational uses, such as hunt-  
6 ing, hiking, and rock and gem collecting.

7 (c) MAP ON FILE.—Copies of the map referred to in  
8 subsection (a) shall be on file and available for public in-  
9 spection in—

10 (1) the Office of the Director of the Bureau of  
11 Land Management; and

12 (2) the appropriate office of the Bureau of  
13 Land Management in California.

14 **SEC. 4. MANAGEMENT.**

15 (a) IN GENERAL.—The Secretary shall manage the  
16 Recreation Area to further the purposes described in sec-  
17 tion 3(a), in accordance with—

18 (1) this Act;

19 (2) the Federal Land Policy and Management  
20 Act of 1976 (43 U.S.C. 1701 et seq.); and

21 (3) any other applicable law.

22 (b) USES.—The Secretary shall—

23 (1) prioritize environmentally responsible off  
24 highway vehicle recreation and also facilitate hunt-  
25 ing, hiking, gem collecting, and the use of motorized

1 vehicles, mountain bikes, and horses in accordance  
2 with the management plan described in subsection  
3 (c);

4 (2) issue special recreation permits for motor-  
5 ized and non-motorized events; and

6 (3) reopen the Clear Creek Management Area  
7 to the uses described in this subsection as soon as  
8 practicable following the enactment of this Act and  
9 in accordance with the management guidelines out-  
10 lined in this Act and other applicable law.

11 (c) INTERIM MANAGEMENT PLAN.—The Secretary  
12 shall use the 2006 Clear Creek Management Area Re-  
13 source Management Plan Amendment and Route Designa-  
14 tion Record of Decision as modified by this Act or the  
15 Secretary to incorporate natural resource protection infor-  
16 mation not available in 2006, as the basis of an interim  
17 management plan to govern off highway vehicle recreation  
18 within the Recreation Area pending the completion of the  
19 long-term management plan required in subsection (d).

20 (d) PERMANENT MANAGEMENT PLAN.—Not later  
21 than 2 years after the date of the enactment of this Act,  
22 the Secretary shall create a comprehensive management  
23 plan for the Clear Creek Recreation Area that—

1           (1) shall describe the appropriate uses and  
2           management of the Recreation Area in accordance  
3           with this Act;

4           (2) shall be prepared in consultation with—

5                   (A) appropriate Federal, State, and local  
6                   agencies (including San Benito, Monterey, and  
7                   Fresno Counties);

8                   (B) adjacent land owners;

9                   (C) other stakeholders (including conserva-  
10                  tion and recreational organizations); and

11                  (D) holders of any easements, rights-of-  
12                  way, and other valid rights in the Recreation  
13                  Area;

14           (3) shall include a hazards education program  
15           to inform people entering the Recreation Area of the  
16           asbestos related risks associated with various activi-  
17           ties within the Recreation Area, including off-high-  
18           way vehicle recreation;

19           (4) shall include a user fee program for motor-  
20           ized vehicle use within the Recreational Area and  
21           guidelines for the use of the funds collected for the  
22           management and improvement of the Recreation  
23           Area;

24           (5) shall designate as many previously used  
25           trails, roads, and other areas for off highway vehicle

1 recreation as feasible in accordance with this in  
2 order to provide a substantially similar recreational  
3 experience, except that nothing in this paragraph  
4 shall be construed as precluding the Secretary from  
5 closing any area, trail, or route from use for the  
6 purposes of public safety or resource protection;

7 (6) may incorporate any appropriate decisions,  
8 as determined by the Secretary, in accordance with  
9 this Act, that are contained in any management or  
10 activity plan for the area completed before the date  
11 of the enactment of this Act;

12 (7) may incorporate appropriate wildlife habitat  
13 management plans or other plans prepared for the  
14 land within or adjacent to the Recreation Area be-  
15 fore the date of the enactment of this Act, in accord-  
16 ance with this Act;

17 (8) may use information developed under any  
18 studies of land within or adjacent to the Recreation  
19 Area carried out before the date of enactment of this  
20 Act; and

21 (9) may include cooperative agreements with  
22 State or local government agencies to manage all or  
23 a portion of the recreational activities within the  
24 Recreation Area in accordance with an approved  
25 management plan and the requirements of this Act.



1 (e) ACQUISITION OF PROPERTY.—

2 (1) IN GENERAL.—The Secretary may acquire  
3 land adjacent to the National Recreation Area by  
4 purchase from willing sellers, donation, or exchange.

5 (2) MANAGEMENT.—Any land acquired under  
6 paragraph (1) shall be managed in accordance  
7 with—

8 (A) the Federal Land Policy and Manage-  
9 ment Act of 1976 (43 U.S.C. 1701 et seq.);

10 (B) this Act; and

11 (C) any other applicable law (including  
12 regulations).

13 (3) IMPROVED ACCESS.—The Secretary may ac-  
14 quire by purchase from willing sellers, donation, ex-  
15 change, or easement, land, or interest in land to im-  
16 prove public safety in providing access to the Recre-  
17 ation Area.

18 (f) PRIVATE PROPERTY.—

19 (1) ACCESS TO PRIVATE PROPERTY.—

20 (A) IN GENERAL.—The Secretary shall  
21 provide landowners adequate access to in-  
22 holdings within the Recreation Area.

23 (B) INHOLDINGS.—For access purposes,  
24 private land adjacent to the Recreation Area to  
25 which there is no other practicable access ex-

1           cept through the Recreation Area shall be man-  
2           aged as an inholding.

3           (2) USE OF PRIVATE PROPERTY.—Nothing in  
4           this Act affects the ownership, management, or  
5           other rights relating to any non-Federal land (in-  
6           cluding any interest in any non-Federal land).

7           (3) BUFFER ZONES.—Nothing in this Act cre-  
8           ates a protective perimeter or buffer zone around the  
9           Recreation Area.

10          (4) VALID RIGHTS.—Nothing in this Act affects  
11          any easements, rights-of-way, and other valid rights  
12          in existence on the date of the enactment of this  
13          Act.

14          (g) WATER RIGHT EXCLUSION.—Nothing in this  
15          Act—

16                (1) shall constitute or be construed to con-  
17                stitute either an express or implied reservation by  
18                the United States of any water or water rights with  
19                respect to the Recreation Area; or

20                (2) shall affect any water rights existing on the  
21                date of the enactment of this Act.

22          (h) HUNTING AND FISHING.—Nothing in this Act—

23                (1) limits hunting or fishing; or

24                (2) affects the authority, jurisdiction, or respon-  
25                sibility of the State to manage, control, or regulate

1 fish and resident wildlife under State law (including  
2 regulations), including the regulation of hunting or  
3 fishing on public land managed by the Bureau of  
4 Land Management.

5 (i) **MOTORIZED VEHICLES.**—Except in cases in which  
6 motorized vehicles are needed for administrative purposes  
7 or to respond to an emergency, the use of motorized vehi-  
8 cles on public land in the Recreation Area shall be per-  
9 mitted only on roads, trails, and areas designated by the  
10 management plan for the use by motorized vehicles.

11 (j) **GRAZING.**—In the Recreation Area, the grazing  
12 of livestock in areas in which grazing is allowed as of the  
13 date of the enactment of this Act shall be allowed to con-  
14 tinue, consistent with—

15 (1) this Act;

16 (2) the Federal Land Policy and Management  
17 Act of 1976 (43 U.S.C. 1701 et seq.); and

18 (3) any regulations promulgated by the Sec-  
19 retary, acting through the Director of the Bureau of  
20 Land Management.

21 (k) **WITHDRAWAL.**—Subject to valid existing rights,  
22 all Federal land within the Recreation Area is withdrawn  
23 from—

24 (1) all forms of entry, appropriation, and dis-  
25 posal under the public land laws;

1           (2) location, entry, and patenting under the  
2       mining laws; and

3           (3) operation of the mineral leasing, mineral  
4       materials, and geothermal leasing laws.

5       (l) FEES.—Amounts received by the Secretary under  
6       the fee structure required by subsection (d)(4) shall be—

7           (1) deposited in a special account in the Treas-  
8       ury of the United States; and

9           (2) made available until expended to the Sec-  
10      retary for use in the Recreation Area.

11      (m) RISK STANDARD.—The National Oil and Haz-  
12      ardous Substances Pollution Contingency Plan (section  
13      300 of title 40, Code of Federal Regulations), published  
14      pursuant to section 105 of the Comprehensive Environ-  
15      mental Response, Compensation, and Liability Act of  
16      1980 (42 U.S.C. 9605), shall not apply to the Secretary's  
17      management of asbestos exposure risks faced by the public  
18      when recreating within the Clear Creek Recreation Area  
19      described in section 3(b).

20      **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

21      In accordance with the Wilderness Act (16 U.S.C.  
22      1131 et seq.), the approximately 21,000 acres of Federal  
23      lands located in Fresno County and San Benito County,  
24      California, and generally depicted on a map entitled “Pro-  
25      posed Joaquin Rocks Wilderness” and dated February 14,

1 2017, is designated as wilderness and as a component of  
2 the National Wilderness Preservation System and shall be  
3 known as the “Joaquin Rocks Wilderness”.

4 **SEC. 6. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS**  
5 **STUDY AREA.**

6 (a) FINDING.—Congress finds that, for the purposes  
7 of section 603 of the Federal Land Policy and Manage-  
8 ment Act of 1976 (43 U.S.C. 1782), the San Benito  
9 Mountain wilderness study area has been adequately stud-  
10 ied for wilderness designation.

11 (b) RELEASE.—The San Benito Mountain wilderness  
12 study area is no longer subject to section 603(c) of the  
13 Federal Land Policy and Management Act of 1976 (43  
14 U.S.C. 1782(c)).

15 **SEC. 7. CLARIFICATION REGARDING FUNDING.**

16 No additional funds are authorized to carry out the  
17 requirements of this Act. Such requirements shall be car-  
18 ried out using amounts otherwise authorized.

Passed the House of Representatives July 11, 2017.

Attest:

KAREN L. HAAS,

*Clerk.*